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CHARTER

FOR THE

CITY AND COUNTY

OF

SAN FRANCISCO

PREPARED AND PROPOSED BY THE

BOARD OF FIFTEEN FREEHOLDERS,

Elected November 2, 1886, in pursuance of the provisions of  
Section 8, Article XI, of the Constitution of  
the State of California.

SAN FRANCISCO:  
S. W. RAVELEY, PRINTER, 518 CLAY STREET.  
1887.



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1886

# Board of Fifteen Freeholders.

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PRESIDENT :

RALPH C. HARRISON.

VICE-PRESIDENT :

RUSSELL J. WILSON.

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A. G. BOOTH,	THOMAS MAGEE,
JACOB GREENEBAUM,	JOHN McKEE,
A. S. HALLIDIE,	D. C. McRUER,
GEORGE R. B. HAYES,	GEO. T. MARYE,
CHARLES HOLBROOK,	S. G. MURPHY,
A. H. LOUGHBOROUGH,	EDWARD R. TAYLOR,
D. A. MACDONALD.	

---

Secretary,

A. E. T. WORLEY.

Assistant Secretary,

THOMAS P. D. GRAY.

Messenger,

A. W. McPHERSON.

## COMMITTEES :

1. Boundary and Division into Wards, including Rights and Liabilities of the existing Municipality :  
Messrs. McKee, Hayes and Hallidie.
2. The Legislative Department, its Powers and Mode of Procedure :  
Messrs. Loughborough, Marye and Murphy.
3. Finance, Revenue and Taxation :  
Messrs. Marye, Loughborough and Holbrook.
4. The Executive Department, including the duties of the Municipal Officers thereof :  
Messrs. Murphy, Booth and Wilson.
5. Department of Public Works, including Streets, Squares and Parks, and the regulation of Harbor and Wharves :  
Messrs. McRuer, Taylor and Magee.
6. The Judicial Department, including the duties of Officers connected with the Administration of law :  
Messrs. Booth, Loughborough and Macdonald.
7. Public Schools and Libraries :  
Messrs. Hallidie, Magee and McKee.
8. Public Institutions of Charity and Correction :  
Messrs. Greenebaum, McRuer and Hayes.
9. Public Order and Police :  
Messrs. Wilson, Holbrook and McKee.
10. The Fire Department :  
Messrs. Hayes, Macdonald and Greenebaum.
11. The Health Department :  
Messrs. Macdonald, Taylor and Marye.
12. Department of Elections :  
Messrs. Taylor, Murphy and Booth.
13. Civil Service :  
Messrs. Magee, McRuer and Hallidie.
14. Salaries :  
Messrs. Murphy, Mayre and Greenebaum.
15. Miscellaneous Provisions and Schedule :  
Messrs. Holbrook, Wilson and Greenebaum.
16. Revision  
Messrs. Hayes, Wilson and Taylor.

The President, HON. RALPH C. HARRISON, Ex-officio Member  
of all Committees.

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# CHARTER

*Prepared and proposed for the City and County of  
San Francisco*

BY THE

## BOARD OF FIFTEEN FREEHOLDERS

Elected November 2, 1886, in pursuance of the provisions of Section 8,  
Article XI, of the Constitution of the State of California.

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### ARTICLE I.

**Boundaries and Division into Wards, including Rights  
and Liabilities of the existing Municipality.**

#### CHAPTER I.

##### OF BOUNDARIES, RIGHTS AND LIABILITIES.

SECTION 1. The municipal corporation, now existing, known as the City and County of San Francisco, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City and County of San Francisco, and by that name, shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold and enjoy real and personal property within and without the City and County of San Francisco, and sell, convey, mortgage and dispose of the same for the common benefit; receive bequests, gifts and donations of all kinds of property within and without the city and county, in fee simple, or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease, or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust.

The boundaries of the City and County of San Francisco shall be as follows:

Beginning at the southwest corner of the City and County of San Francisco, being the northwest corner of San Mateo County in the Pacific Ocean, and on the line of the western

boundary of the State of California three miles from shore, and also on the extension of the northern line of Township Three South, Mount Diablo Base and Meridian; thence northerly along the western boundary of the State of California to the southwest corner of Marin County as now established by Section 3957 of the Political Code; thence easterly to the westerly extension of low water line on the northern side of the entrance to San Francisco Bay, and on the south line of Marin County; thence easterly through Point Bonita and Point Caballo, (or Cavallo,) to the most southeastern point of Angel Island, all on the southern line of Marin County, as now established in said Section 3957 of the Political Code; thence northerly along the easterly line of Marin County to the northwest point of Golden Rock (also known as Red Rock), being a common corner of Marin, Contra Costa and San Francisco counties; thence due southeast four and one-half miles, more or less, to a point distant three statute miles from the natural high water mark on the eastern shore of San Francisco Bay, being a common corner of Contra Costa, Alameda and San Francisco counties; thence southerly and southeasterly and along the western boundary of Alameda County as now established by Section 3953 of the Political Code, to a point on the extension of the northern line of Township Three South, Mount Diablo Base and Meridian (considered as extending across said Bay); thence west along the last named line to the place of beginning.

The Islands in said Bay, known as Alcatrazes, Yerba Buena and Mission Rock, and the Islands in said Ocean known as Farallones, shall be a part of said city and county.

SEC. 2. The public buildings, lands and property, all rights of property and rights of action, all moneys, revenues, and income belonging or appertaining to the City and County of San Francisco, are hereby declared to be vested in the said City and County of San Francisco.

SEC. 3. The said City and County of San Francisco shall continue to have, hold and enjoy all public buildings, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action of every nature and description, and shall be subject to all the obligations, debts, liabilities, dues and duties of the existing municipality.

SEC. 4. Suits, actions and proceedings may be brought in the name of said City and County, for the recovery of any property, money or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with, said City and County,

whether made or arising or accruing before or after the adoption of this Charter; and all existing suits, actions and proceedings in the Courts or elsewhere, to which said city and county is a party, shall continue to be carried on by or against said City and County.

## CHAPTER II.

### OF WARDS.

SECTION 1. The City and County of San Francisco is hereby divided into twelve wards, the boundaries of which shall be as follows:

The First Ward shall be bounded as follows:—

Commencing at the intersection of the center line of Dupont Street with the Bay of San Francisco; thence southerly and easterly along the shore line of said Bay to its intersection with the center line of Market Street; thence along the last named line to its intersection with the center line of Grant Avenue; thence along the last named line to Dupont Street; thence to the center line of Dupont Street; thence along the last named line to the Bay of San Francisco and point of beginning.

The islands in the Pacific Ocean known as the Farallones, and the islands in the Bay of San Francisco known as Alcatrazes, Yerba Buena and Mission Rock shall be a part of the First Ward.

The Second Ward shall be bounded as follows:—

Commencing at a point where the center line of Van Ness Avenue if extended to the Bay of San Francisco would strike said Bay; thence along the shore line of said Bay to the center line of Dupont Street; thence along the last named line to the center line of Pacific Street; thence along the last named line to the center line of Van Ness Avenue; and thence northerly along the center line of Van Ness Avenue and said center line if extended, to the Bay and point of beginning.

The Third Ward shall be bounded as follows:—

Commencing at the point of intersection of the center line of Van Ness Avenue with the center line of Pacific Street; thence along the center line of Pacific Street to the center line of Dupont Street; thence along the last named line to Grant Avenue; thence to the center line of Grant Avenue; thence along the last named line to the center line of Post Street; thence along the last named line to the center line of Van Ness Avenue; thence along the last named line to the point of beginning.

The Fourth Ward shall be bounded as follows:—

Commencing at the point of intersection of the center line

of Van Ness Avenue with the center line of Post Street; thence along the last named line to the center line of Grant Avenue; thence along the last named line to the center line of Market Street; thence along the last named line to the center line of Van Ness Avenue; thence along the last named line to the point of beginning.

The Fifth Ward shall be bounded as follows:—

Commencing at the point where the center line of Geary Street if extended to the Pacific Ocean would strike said Ocean; thence along the shore line of the Pacific Ocean and the Bay of San Francisco to a point where the center line of Van Ness Avenue if extended to said Bay would strike the same; thence along the center line of Van Ness Avenue if so extended and of Van Ness Avenue to the center line of Geary Street; thence along the center line of Geary Street and said center line extended, to the Pacific Ocean and point of beginning.

The Sixth Ward shall be bounded as follows:—

Commencing at a point where the center line of Geary Street if extended to the Pacific Ocean would strike said Ocean; thence along the center line of Geary Street if so extended and of Geary Street, to the center line of Van Ness Avenue; thence along the last named line to the center line of Oak Street; thence along the last named line to the center line of Stanyan Street; thence along the last named line to the center line of Frederick Street; thence along the last named line to the center line of First Avenue; thence along the last named line to the center line of H Street; thence along the last named line until it strikes the Pacific Ocean; thence along the shore line of said Ocean to the point of commencement.

The Seventh Ward shall be bounded as follows:—

Commencing at a point where the center line of Market Street strikes the Bay of San Francisco; thence along the shore line of said Bay to the center line of Bryant Street; thence along the last named line to the center line of Fourth Street; thence along the last named line to the center line of Market Street; thence along the last named line to the point of beginning.

The Eighth Ward shall be bounded as follows:—

Commencing at a point where the center line of Seventh Street strikes the center line of Market Street; thence along the last named line to the center line of Fourth Street; thence along the last named line to the center line of Bryant Street; thence along the last named line to the center line of Seventh Street; thence along the last named line to the point of beginning.

The Ninth Ward shall be bounded as follows:—

Commencing at the point of intersection of the center line

of Valencia Street with the center line of Market Street; thence along the last named line to the center line of Seventh Street; thence along the last named line to the center line of Bryant Street; thence along the last named line to the center line of Bryant Avenue; thence along the last named line to the center line of Channel Street; thence along the last named line to the center line of Fourteenth Street; thence along the last named line to the center line of Valencia Street; thence along the last named line to the point of beginning.

The Tenth Ward shall be bounded as follows:—

Commencing at the point where the center line of Bryant Street strikes the Bay of San Francisco; thence along the shore line of said Bay to the center line of Yolo Street; thence along the last named line to the center line of Potrero Avenue; thence along the last named line to the center line of Twenty-fifth Street; thence along the last named line to the center line of Howard Street; thence along the last named line to the center line of Fourteenth Street; thence along the last named line to the center line of Channel Street; thence along the last named line to the center line of Bryant Avenue; thence along the last named line to the center line of Bryant Street; thence along the last named line to the point of beginning.

The Eleventh Ward shall be bounded as follows:—

Commencing at a point where the center line of H Street if extended to the Pacific Ocean would strike said Ocean; thence along the last named line and the center line of H Street to the center line of First Avenue; thence along the last named line to the center line of Frederick Street; thence along the last named line to the center line of Stanyan Street; thence along the last named line to the center line of Oak Street; thence along the last named line to the center line of Van Ness Avenue; thence along the last named line to the center line of Market Street; thence along the last named line to the center line of Valencia Street; thence along the last named line to the center line of Fourteenth Street; thence along the last named line to the center line of Howard Street; thence along the last named line to the center line of Twenty-second Street; thence along the last named line to the center line of the old Ocean House road; thence along the center line of said Ocean House road to the center line of V Street if extended so far easterly; thence along said center line of V Street so extended and the center line of V Street and the center line of V Street if extended westerly, to the Pacific Ocean; thence along the shore line of the Pacific Ocean to the point of beginning.

The Twelfth Ward shall be bounded as follows:—

Commencing at a point on the shore of the Pacific Ocean

where the center line of V Street if extended to said Ocean would strike the same; thence along said last named line and the center line of V Street and the center line of V street if extended easterly, to the center line of the old Ocean House road; thence along the last named line to the center line of Twenty-second Street; thence along the last named line to the center line of Howard Street; thence along the last named line to the center line of Twenty-fifth Street; thence along the last named line to the center line of Potrero Avenue; thence along the last named line to the center line of Yolo Street; thence along the last named line to the Bay of San Francisco; thence southerly along the shore of said Bay to the City and County Line; thence westerly along said Line to the Pacific Ocean; thence northerly and along the shore line of the Pacific Ocean to the point of beginning.

SEC. 2. The Supervisors shall, by ordinance, in the year 1892, on or before the first Monday in May, and in every tenth year thereafter, re-district said City and County into twelve wards. The wards shall be made as compact and as nearly equal in population as possible.

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## ARTICLE II.

### **Legislative Department.**

#### CHAPTER I.

##### OF THE SUPERVISORS.

SECTION 1. The Legislative power of the City and County of San Francisco shall be vested in two Houses of Legislation, which shall be designated the Supervisors of said city and county, and shall consist of a Board of Aldermen and a Board of Delegates.

SEC. 2. The Board of Aldermen shall consist of twelve members, who shall be elected by general ticket from the city and county at large.

SEC. 3. At the first election under this Charter twelve members of the Board of Aldermen shall be elected. The six receiving the highest number of votes shall hold office for four years, and the other six for two years, and in case of a tie vote, the right to hold for two years or for four years shall be determined by lot. At each general municipal election thereafter, six members of the Board of Aldermen shall be elected to succeed those whose terms are about to expire; and the members so elected shall hold office for four years.

SEC. 4. The Board of Delegates shall consist of one

member from each ward, who shall be elected at each general municipal election by the qualified electors of said city and county at large, and shall hold office for two years. Each member of said Board must be at least thirty years of age, and must have been an elector and actual resident of the ward for which he was elected at least two years next preceding his election.

SEC. 5. No person shall be eligible as a member of either Board who shall have been convicted of malfeasance in office, bribery or any other infamous crime, or who shall have been removed from any municipal office by the Mayor, the Board of Aldermen, or the judgment of a Court; and any such conviction during his term of office shall cause the forfeiture of his seat in said Board.

SEC. 6. The Boards shall meet in separate chambers. Seven members shall be a quorum for each Board, but a less number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each Board may prescribe.

SEC. 7. Each Board shall:

1. Choose a President annually from its own members, who may be removed by the affirmative vote of not less than nine members of such Board.

2. Appoint a Clerk, and when authorized to do so by ordinance, such other Clerks, not exceeding three for the Board of Aldermen and one for the Board of Delegates, and one Messenger.

3. Establish rules for its proceedings.

4. Keep a journal of its proceedings and allow the same to be published. The ayes and noes on any question shall, on the demand of any member, be taken and entered therein.

5. Have authority to punish its members for disorderly or contemptuous behavior in its presence, and to expel any member by the affirmative vote of not less than nine members, specifying in the order of expulsion the cause thereof.

6. Have power to compel the attendance of witnesses and production of papers pertinent to any business before such Board.

SEC. 8. Each Board shall meet upon the first Monday of each month, or if that day be a legal holiday, then upon the next day, and neither Board shall, without the consent of the other, adjourn for more than seven days, or to any other place than its regular place of meeting. The meetings of each Board shall be public.

SEC. 9. The Clerk of the Board of Aldermen may administer oaths and affirmations in all matters pertaining to the affairs of his office without charge, and shall perform such services as may be prescribed by said Board. He shall by

virtue of his office be Clerk of the Supervisors, and shall perform the duties of such Clerk without additional compensation. He shall have the custody of the seal of said city and county, and of all leases, grants and other documents, records and papers not specially pertaining to the Board of Delegates. His signature shall be necessary to all leases, grants and conveyances, and he shall have the custody of all resolutions and ordinances of said city and county.

SEC. 10. The Clerk of the Board of Delegates may administer oaths and affirmations in all matters pertaining to the affairs of his office without charge, and shall perform such other services as may be prescribed by the Board.

SEC. 11. No Supervisor shall hold any other office, Federal, State, or Municipal, or be an employee of said city and county, or of either of said Boards, or be directly or indirectly interested in any contract with said City and County, or with or for any Department or Institution thereof; or advance money or furnish material or supplies for the performance of any such contract; or furnish or become surety for the performance of any such contract; or directly or indirectly recommend, solicit, advise, request, or in any manner use his influence to obtain the appointment of any person to any office, position, place or employment under the city and county government, or under any Department, Board or Officer thereof; but nothing in this section shall impair the right of a Supervisor to nominate and recommend any person for any office or position to be filled by appointment or election by the Supervisors or the Board of which he is a member.

Upon taking office, each Supervisor shall make and file in the office of the Clerk of the Supervisors an affidavit that he will faithfully comply with and abide by all the requirements of this section. A violation of any of the provisions of this section shall cause a forfeiture of his office.

SEC. 12. Every Legislative Act of said City and County shall be by ordinance. The enacting clause of every ordinance shall be: "*Be it ordained by the Supervisors of the City and County of San Francisco, as follows:*" No ordinance shall be passed except by bill, and no bill shall be so amended as to change its original purpose. Any ordinance may originate in either Board, and when it shall have passed one Board may be passed, amended, or rejected in the other.

SEC. 13. No bill shall become an ordinance unless on its final passage at least seven members of each Board vote in its favor, and the vote be taken by ayes and noes, and the names of the members voting for and against the same be entered in the Journals.

SEC. 14. No amendment to any bill by either Board shall

be concurred in by the other except by the affirmative vote of at least seven members, taken by ayes and noes, and the names of those voting for and against the same entered in the Journal of such Board. Reports of committees of conference shall be adopted in either Board only by the affirmative vote of at least seven members taken by ayes and noes, and the names of those voting for and against the same to be recorded in the Journal.

SEC. 15. No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted, or the section thereof amended, shall be re-enacted at length as revised or amended.

SEC. 16. Every ordinance shall embrace but one subject, which subject shall be expressed in its title; if any subject be embraced in an ordinance and not expressed in its title, such ordinance shall be void only as to so much thereof as is not expressed in its title.

SEC. 17. When a bill is put upon its final passage in either Board and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be acted on before the next meeting of said Board. No bill for the grant of any franchise shall be put upon its final passage within ninety days after its introduction.

SEC. 18. No ordinance shall take effect until ten days after its passage unless otherwise expressed in said ordinance.

SEC. 19. Every bill, after it has passed the two Boards shall be signed by the President of each Board in open session in authentication of its passage. In signing such bill, he shall call the attention of the Board to the bill and that he is about to sign it; and if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member object that the bill is not the same as when considered and passed by the Board, such objection shall be passed upon, and if sustained, the President shall withhold his signature, and the bill shall be corrected and signed before the Board proceeds to any other business.

SEC. 20. Every bill which shall have passed the two Boards, and been authenticated as provided in the last section, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Board in which it originated within ten days after receiving it. If he approve it he shall sign it, and it shall then become an ordinance. If he disapprove it he shall specify his objections thereto in writing. If he do not return it with such disapproval within the time above specified, it shall take effect as if he had approved it. The objections of the Mayor shall be entered at large on the Journal of the Board

in which such bill originated, and said Board shall cause the same to be immediately published. Said Board shall, after five and within thirty days after such bill shall have been so returned, reconsider and vote upon the same; and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than nine members of each Board, the Presidents of the respective Boards shall certify that fact on the bill, and when so certified, the bill shall become an ordinance with like effect as if it had received the approval of the Mayor; but if the bill shall fail to receive upon the first vote thereon in either Board nine affirmative votes it shall be deemed finally lost. The vote on such reconsideration shall be taken by ayes and noes, and the names of the members voting for or against the same shall be entered in the Journals of each Board.

SEC. 21. All ordinances and resolutions shall be deposited with the Clerk of the Supervisors, who shall record the same at length in a suitable book.

SEC. 22. No general appropriation bill shall be passed, but every appropriation shall be for the specific amount of the demand to be paid; and each bill authorizing the payment of money shall contain one demand only, which shall be expressed in its title.

SEC. 23. Every bill providing for any specific improvement, the granting of any privilege, or involving the lease, appropriation or disposition of public property, or the expenditure of public money (except sums less than five hundred dollars), or levying any tax or assessment, and every bill for the imposition of a new duty or penalty, shall, after its introduction in either Board, be published, with the ayes and noes, at least five successive days before final action upon the same by the Board in which it was introduced; and if such bill be amended in either Board, the bill as amended shall be published for a like period before final action thereon by such Board.

## CHAPTER II.

### OF THE POWERS OF THE SUPERVISORS.

SECTION 1. Subject to the provisions, limitations and restrictions in this Charter contained, the Supervisors shall have power to pass ordinances:

1. To make and enforce within the limits of said city and county all such local, police, sanitary and other laws and regulations as are not in conflict with general laws or this Charter.

2. To regulate and control the use of the streets, side-

walks, highways, roads and public places for any and all purposes; to prevent encroachments upon and obstruction to the same, and require the removal of any encroachment or obstruction thereon.

3. To regulate and control the use of the streets and sidewalks for signs, sign posts, awnings, awning posts, drinking fountains, horse troughs, urinals, telegraph posts, for traffic and sales therein; for exhibiting banners, placards or flags in or across the same, or from houses or other buildings, and for all other purposes.

4. To regulate the cleaning of the streets, sidewalks and gutters, and prevent the depositing of ashes, offal, dirt, rubbish or garbage in the same.

5. To regulate the opening of street surfaces for the laying of gas or water mains, or telegraph or telephone wires; for the building and repair of sewers; for the erecting of gas or electric lights, or for any other use or purpose.

6. To regulate the numbering of houses and lots and the naming of streets, public places and thoroughfares.

7. In relation to street beggars, vagrants and mendicants, and the exhibition and distribution of advertisements or handbills along the streets or in public places.

8. In relation to intoxication, fighting, quarreling and vulgar language in the streets and other public places, and in relation to carrying concealed weapons.

9. In relation to the construction, maintenance, repair and removal of public fountains for the use of persons and animals on the streets and in other public places.

10. To regulate public assemblages and processions.

11. To restrain and prevent any riot, mob, noise, disturbance, or disorderly assembly or amusement dangerous to persons or property in any street, house or place.

12. To permit the laying down of railroad tracks and running cars thereon, along any street or portion of a street, for the sole purpose of excavating and filling in a street or portion of a street or the adjoining land, for such limited time as may be necessary for such purpose and no longer.

13. To provide for lighting the streets, squares, parks and public places, buildings and offices; and for enclosing, improving and regulating public grounds.

14. To fix the limits within which wooden buildings or structures shall not be erected, placed or maintained, and to prohibit the same within such limits.

15. To prohibit, suppress, regulate or exclude from certain limits all houses of ill-fame, prostitution and gaming; to prohibit, suppress or exclude from certain limits all occupations, houses, places, pastimes, amusements, exhibitions and practices which are against good morals and contrary to public order and decency, or dangerous to the public safety.

16. To regulate the manufacture, transportation, sale, disposition, storage and use of firearms, firecrackers, fireworks and all explosive or combustible materials and substances; the manufacture of acids, and the maintenance of acid works, slaughter houses, brick kilns, tanneries, laundries, foundries, steam boilers, and factories using steam boilers, and all other manufactories, works and occupations of every description that may affect the public safety, health or comfort, and to exclude them from certain limits.

17. To protect the health, comfort and security of the inhabitants, and the safety and security of property and life; to exclude from certain limits, hospitals, institutions and places for the treatment of disease, or for the care of sick or insane persons; to regulate all noxious trades, and restrict the prosecution thereof to such limits as may from time to time seem proper, or exclude them from said city and county; to make regulations for protection against fire, and to make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any ordinance; to provide for the examination of all buildings and the removal thereof if found unsafe or constructed contrary to ordinance.

18. To authorize the establishment and maintenance of crematories, to regulate the same, and exclude them from certain limits.

19. To provide for the abatement or summary removal of any nuisance.

20. To regulate hackney carriages and public passenger vehicles, and fix the rates to be charged for the transportation of persons or personal baggage; to regulate all vehicles used for the conveyance of merchandise, earth or ballast; to prescribe the width of the tires of all vehicles, and the weight to be carried by said vehicles; and to regulate drivers, carriers, runners and solicitors.

21. In relation to the construction, repair, care and use of markets and market places, and of places of public amusement and public assemblage.

22. In relation to the construction, repair and use of vaults, cisterns, areas, hydrants, pumps and sewers.

23. To provide a public pound and a pound keeper, with necessary assistants, and to fix the salary of the pound keeper and his assistants, which shall be paid only out of fines collected and paid into the Treasury for the redemption of impounded animals; to prescribe fines for the redemption of animals duly impounded, and to provide for the collection of such fines and their payment into the Treasury; to pre-

vent animals from running at large, and to provide for impounding or killing them when found running at large; to provide for the removal and disposition of animals or vehicles found unattended in any street or public place.

24. To provide for suitable buildings, rooms or accommodations for all Courts, Departments, Boards and Officers, together with all necessary attendants, furniture, fuel, lights and stationery for the convenient transaction of business.

25. To provide and maintain a morgue.

26. To provide for a suitable armory for the use of the National Guard in said city and county, which shall be paid for only out of the moneys collected from the tax levied for the construction and repair of public buildings other than the New City Hall.

27. To provide for places for the detention of witnesses separate and apart from places where criminals, or persons accused of public offenses are imprisoned.

28. To regulate and provide for the employment on the public works of said city and county of prisoners sentenced to labor thereon, and to make regulations requiring prisoners not sentenced to imprisonment in the State Prison, to be sentenced to such labor either in the chain-gang or elsewhere, as the Supervisors may deem expedient; to establish, maintain and regulate, and change, discontinue and re-establish city and county jails, prisons, and houses of correction and other places of detention, punishment, confinement and reformation, and to establish in connection therewith, manufacturing or laboring establishments.

29. To purchase or acquire by condemnation such property as may be needed for public use.

30. To provide water for municipal purposes.

31. To regulate the quality, capacity and location of water and gas pipes, mains, and fire plugs, and to provide for and regulate the construction and repair of hydrants, fire plugs, cisterns and pumps, and such other appliances as may be used in the distribution of water or gas in the streets, public places and public buildings.

32. To fix and determine in the month of February of each year, to take effect on the first day of July thereafter, the rates or compensation to be collected by any person, company or corporation in this city and county, for the use of water, and gas or other illuminating power, supplied to the city and county or the inhabitants thereof, and to prescribe the quality of gas or other illuminating power.

33. To regulate and impose a license tax upon public amusements, shows and exhibitions, pawnbrokers and railroad passenger cars; upon the manufacture, sale, transportation or storage of any combustibles or explosives; upon astrologers, fortune tellers, clairvoyants and spiritual me-

diums, who practice their profession for hire; upon billiard tables, bowling alleys, shooting galleries, and other games and amusements kept or conducted for gain or hire; upon the sale at retail of tobacco, cigars, cigarettes, alcoholic and malt liquors; and upon all such other callings, trades, employments, business and places, not prohibited by law, that may require special police surveillance, or that may be prejudicial to public morals and the general welfare.

34. To impose a license tax on dogs.

35. To provide for the collection of licenses and municipal revenues and fix the amount thereof.

36. To prescribe fines, forfeitures and penalties for the breach of any ordinance and for a violation of any provision of this Charter; but no penalty shall exceed the amount of five hundred dollars or six months' imprisonment, or both.

37. To provide for the security, custody and administration of all property of said city and county.

38. To make rules and regulations for the government of all servants, employees, officers and departments, and to fix the fees and charges for all official services, and to fix salaries and wages that are not fixed by general laws or this Charter.

39. To allow and order paid out of the various Funds provided in this Charter, the sums respectively chargeable thereto.

40. To allow and order paid out of the General Fund such sums, not to exceed five thousand dollars in any one fiscal year, as may be deemed necessary for the employment of special counsel.

41. To allow and order paid out of the General Fund such sums as may be necessary for burying the indigent dead.

42. To appropriate out of the General Fund a sum not exceeding one hundred and fifty dollars each month for the enforcement of the law in relation to cruelty to children, and to authorize and regulate the payment of the same, or some part thereof, to any Society that shall efficiently aid in the enforcement of such law.

43. To appropriate out of the General Fund a sum not exceeding five hundred dollars each month, for the care and cure of confirmed inebriates, and the temporary detention of the insane or such persons as may be charged with insanity pending examination.

44. To appropriate out of the General Fund such sums as may be paid into the Treasury from fines collected on conviction of persons charged with cruelty to animals, and to authorize and regulate the payment of the same or some part thereof to any Society that shall efficiently aid in such convictions.

45. Until the completion of the New City Hall, to provide in the annual tax levy for a tax upon the real and personal property in said city and county, at the rate of ten cents on the one hundred dollars for the completion of said New City Hall; and to appropriate the money so raised to its completion.

46. To provide for the payment of a proper compensation to those appointed by the Superior Court, to report the testimony in cases to which the People or said City and County may be a party.

47. To provide for the payment of proper compensation to such interpreters, not exceeding five, as may be appointed by the Judges of the Superior Court, to interpret testimony in criminal causes in said Court or the Police Court, or upon inquests and examinations. Such compensation shall not exceed one hundred and twenty-five dollars a month for each interpreter.

48. To offer rewards not exceeding five hundred dollars, at any one time, for the apprehension and conviction of any person who may have committed a felony in said city and county, and to authorize the payment thereof out of the General Fund.

49. To provide in the annual tax levy for a special Fund to be used in the construction of a general system of drainage for said city and county.

50. To provide a common seal for said city and county, and from time to time to alter and change the same; and also to provide for seals for the several Departments, Boards and Officers of said city and county, and for the Police Court, and for altering and changing the same.

51. To fix the hours of labor or service required of all laborers in the service of the city and county, and to fix their compensation.

52. To open, close, straighten, or widen any street, road, or highway; to open and lay out any new street or highway through public or private property, upon making compensation to all persons whose property may be taken therefor or injuriously affected thereby, upon the conditions and in the manner by law and in this Charter provided; and in like manner to change the grade of any street, road or highway. No change of grade shall be made without providing compensation in such manner as may be provided by law and ordinance, to persons whose property may be injuriously affected by such proposed change of grade; but no compensation shall be allowed for damage to gas or water pipes, railway tracks, telegraph posts or wires, or other property or thing laid above, along, in, or under any street, highway, park, place, or other public property.

53. To permit tunnels, in accordance with such rules and

regulations as the Supervisors may prescribe, to be constructed and maintained under the surface of any street, road, highway, public park, square, or place, through lands belonging to said City and County, for the passage of pedestrians or railroad cars propelled by steam or other motive power, and other carriages and vehicles for the conveyance of merchandise and passengers. No such permission shall be granted without the written consent of persons owning two-thirds of the frontage of the property upon the line of that portion of the street under which such tunnel is to be run; and compensation shall be made, in such manner as may be provided by law and ordinance, to persons whose property may be injuriously affected by any such tunnel.

54. To regulate all street railroads, tracks and cars, and, when and where necessary, to compel the owners of two or more of such roads using the same street for any distance, to use the same tracks and to equitably divide the expense thereof between the owners; to fix and establish and reduce the fares and charges for transporting passengers and goods thereon; to regulate rates of speed, and pass ordinances to protect the public from danger or inconvenience in the operation of such roads; to compel the owners of street railroads to pave and keep in repair the street between their rails, and also between their tracks, and for at least two feet on the outside of the same, including all switches, turn-outs and side tracks.

55. To grant authority, for a term not exceeding forty years, to construct street railways and lay down street railroad tracks upon or over any of the streets of said city and county upon which cars may be propelled by horses, mules, steam, or other motive power, or by wire ropes running under the streets and moved by stationary engines, upon such terms and under such restrictions, limitations and conditions as may be required by law and provided by ordinance, and to regulate the rates of fare to be charged by any person, company or corporation to which such authority may be granted.

56. To allow any trans-continental, or other steam railroad company or corporation, having not less than two hundred and fifty miles of road actually constructed and in operation, and having reached the city and county line, to enter said city and county and make its way to the water front at the most convenient point for public convenience; but no exclusive right, franchise or privilege shall be granted to such railroad company; and the use of all such rights, privileges and franchises shall at all times be subject to regulation by the Supervisors. Every ordinance granting such right, privilege or franchise, shall be upon the conditions that said company or corporation shall pave and keep in repair the street between the rails of each track and also between

the tracks, and for at least two feet outside of the same, including switches, turn-outs and side-tracks, and that said company or corporation shall allow any railroad company or corporation to which a similar right, privilege or franchise may be granted, to use in common with it the same track or tracks upon such terms as the Supervisors shall determine.

57. To make appropriations allowed by law or this Charter.

58. For the conveyance of lands in accordance with the provisions of the Act of the Legislature of the State of California, entitled, "An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof," approved March 24, 1870.

59. To provide for the execution of all trusts confided to said City and County.

60. To provide for the sale or lease of all lands now or hereafter owned by said City and County, not dedicated or reserved for public use; but all leases and sales shall be made at public auction after publication of notice thereof for at least three weeks. No sale shall be authorized, or any lease made for a longer term than two years, except by ordinance passed by the affirmative vote of not less than nine members of each Board.

61. To provide for the sale at public auction, after advertising for five days, of all personal property unfit or unnecessary for the use of said city and county.

62. To provide for the purchase of property levied on under execution in favor of said city and county; but the amount bid on such purchase shall not exceed the amount of the judgment.

63. To incur an indebtedness exceeding the revenue for any fiscal year in case of great public calamity or danger, such as earthquakes, conflagrations, pestilence, invasion, or other great and unforeseen emergency. The ordinance for such purpose must be passed by the affirmative vote of not less than nine members of each Board, and be approved by the Mayor. Before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a Sinking Fund for the payment of the principal thereof, within twenty years from the time of contracting the same. No such indebtedness shall be incurred without the assent of two-thirds of the qualified electors of said city and county voting at an election held for that purpose.

SEC. 2. The Supervisors in joint convention assembled shall constitute the Board of Equalization of said city and

county, and shall meet at the time, have the powers, and perform the duties concerning the equalization of taxes prescribed by the general revenue laws of the State. The President of the Board of Aldermen shall be the presiding officer of the Board of Equalization, and the Clerk of the Board of Aldermen shall be ex-officio Clerk thereof.

SEC. 3. The Supervisors shall have power to make all rules and regulations necessary to carry into execution all powers vested by this Charter or by law in said city and county, or in any Department or Officer thereof.

SEC. 4. The Board of Aldermen and the Board of Delegates shall each have power to appoint from their members a committee consisting of three, to be denominated "Finance Committee," and to fill all vacancies in said committee. Each of said Committees shall have power to investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow or audit demands on the Treasury; shall have free access to any records, books and papers in all public offices; shall have power to administer oaths and affirmations, and to examine witnesses, and compel their attendance before them by subpoena. Said Committees, or either of them, may visit any of the public offices when and as often as they think proper, and make their examinations and investigations therein, without hindrance. It shall be the duty of said Committees as often as once in every six months, to examine the official bonds of all city and county officers, and inquire into and investigate the sufficiency and solvency of the sureties thereon, and report the facts to the Mayor. Such report shall specify each bond with the sureties and the amounts for which each surety is bound, and state whether or not they are deemed sufficient and solvent. Upon such report the Mayor shall act so as to protect the city, and may require new bonds when necessary, and he may suspend the officer till a sufficient bond is filed and approved. In the exercise of its functions, a concurrence of two members of either Committee shall be deemed sufficient. Each of said Committees shall keep a record of its proceedings, with the names of the witnesses examined and a substantial statement of the evidence taken. If from the examination made by either of such Committees it shall appear that a misdemeanor in office, or a defalcation, has been committed by any Officer, said Committee shall immediately report to the Mayor, who, if he approve said report, shall forthwith suspend such Officer and take proceedings against him before the Board of Aldermen. Any police officer shall execute the process and orders of said committees, or either of them.

SEC. 5. The Supervisors shall grant no franchise, right

or privilege except upon the conditions that the grantee thereof shall within twelve months thereafter commence the exercise and enjoyment of the same, and that whenever the franchise, right or privilege shall have been in disuse, in whole or in part, for the period of one year, it shall be forfeited to the extent of such disuse.

SEC. 6. Every grant of a franchise, right or privilege shall be subject to the right of the Supervisors at any time thereafter to repeal, change or modify the said grant, and every ordinance making such grant shall contain a reservation of the right of the Supervisors to repeal, amend or modify said ordinance.

SEC. 7. No exclusive franchise or privilege shall be granted for laying pipes or other conduits under any of the public streets or through any public place for the use of any telegraph, telephone or other mode of transmitting intelligence, or electric or any motive power.

SEC. 8. The Supervisors shall not authorize the placing or continuing of any obstruction upon any street or sidewalk, except during the construction or repair of a building on a lot abutting on the same.

SEC. 9. The Supervisors shall make no appropriation in aid of any corporation, person or society, unless expressly authorized by this Charter.

SEC. 10. The Supervisors shall not grant authority to construct a street railway or lay down street railroad tracks upon or over any of the streets of said city and county, except in the manner and on the terms following, viz:

Upon application being made to the Supervisors for authority to construct and operate a street railway along and upon any of said streets the Supervisors shall, by concurrent resolution, determine whether such franchise, or any part thereof, should be granted; and, after such determination, they shall cause notice of such application and resolution to be published for ten days (legal holidays excepted), and shall, in said notice, specify the route over and along which they have determined to grant said franchise; and shall offer to grant the same to the person, company or corporation, who will pay the highest sum for the franchise, and who will, in addition, agree that, beginning three years after said railway shall have commenced operation, the holder of said franchise will pay into the Treasury, at the end of each and every month thereafter, two per centum upon the gross receipts of such railway during that month.

Bidding for such franchises must be in accordance with the provisions of this Charter in relation to bids made to the Board of Public Works, so far as such provisions may be applicable, and the Supervisors may reject any and all bids, and may refuse to grant a franchise for any part of the route for which application was made.

If any bid be accepted, the franchise must be granted upon the express condition, in addition to the conditions required by law, and in addition to such other conditions as may be prescribed by the Supervisors, that said two per centum of the gross receipts of said railway shall be paid at the end of each month into the Treasury; and upon the further condition, that the whole of said railway shall be continuously operated, and that, at the end of said term the road-track and bed of such railway shall become the property of said city and county; and that the grantees will, within one hundred days after the date of said grant commence the construction of such railway, and continuously thereafter, in each and every month until the completion thereof, expend in such construction at least the sum of three thousand dollars. The failure, in any one month, to comply with the last specified condition shall work an immediate forfeiture of said franchise and the road or track theretofore constructed thereunder. There shall be no power in the Supervisors to relieve from said forfeiture or from any of said conditions.

No street railroad franchise heretofore or hereafter granted shall be continued, extended or renewed except upon the terms and in the manner herein prescribed.

All moneys received for such franchises and in payment of the said two per centum shall be credited to the General Fund.

SEC. 11. All claims for damages against the city and county must be presented to the Board of Aldermen and filed with the Clerk, within six months after the occurrence from which the damages arose.

SEC. 12. Every ordinance creating or providing for the employment of any deputy, clerk or employee under said City and County or any Department, Board or Officer thereof, other than those specifically named and provided for in this Charter, shall expire by limitation at the end of one year from its passage; but nothing herein contained shall prevent the reenactment thereof in the same manner and for the same period that the original ordinance was passed; and no salary or compensation shall be drawn or allowed for any interval of time after such termination and before such reenactment.

SEC. 13. The Supervisors may, by ordinance, establish a third Department of the Police Court, to be denominated Department Three. For the Department so established, the Governor of the State may appoint a Police Judge, who shall hold office for two years. He shall have the same powers and jurisdiction as the other Police Judges, and receive the same salary.

SEC. 14. It shall not be lawful for the Supervisors, or for any Board, Department, Officer or authority having

power to incur, authorize or contract liabilities against the Treasury of said city and county, to incur, authorize, allow, contract for, pay or render payable in the present or future, in any one month, any expenditure, demand or demands against said Treasury, or any of the Specific Funds thereof, which, taken with all other expenditures, indebtedness or liability made or incurred up to the time in such month of making or incurring the same, shall exceed one-twelfth part of the amount of money provided by the Supervisors and actually collected and paid into the Specific Fund, as and for the income and revenue of the fiscal year during which such liability, expenditure or demand is incurred, and apportioned to the Specific Fund to be charged therewith, and allowed, by law in force at the time such expenditure is made or liability incurred, to be expended out of such Specific Fund as the money apportioned to the same for such fiscal year. If, at the beginning of any month, any money remain unexpended in any of the Specific Funds set apart for maintaining the municipal government, and which might lawfully have been expended the preceding month, such unexpended sum or sums, except so much thereof as may be requisite to pay all unpaid claims upon such Specific Fund, that have been duly audited, may be carried forward in the same Specific Fund and expended by order of the Supervisors in any succeeding month of such fiscal year but not afterwards, except in payment of claims lawfully incurred during such fiscal year; but the sums so carried forward in the Common School Fund shall be expended by order of the Board of Education.

All contracts, authorizations, allowances, payments, and liability to pay, made or attempted to be made in violation of the provisions of this section, shall be absolutely void, and shall never be the foundation or basis of a claim against the Treasury; and all officers are charged with notice of the condition of the Treasury, and of the extent of the demands against the same.

SEC. 15. No expenditure, debt or liability shall be made, contracted or incurred during any fiscal year that cannot be paid out of the revenues provided for such fiscal year. The City and County shall not, nor shall the Supervisors, the Board of Education, or any Board, Department or Officer incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such fiscal year. All contracts, indebtedness or liabilities incurred contrary to the provisions of this section shall be void, and shall not be paid out of the Treasury or constitute or be the foundation of any claim, demand or liability, legal or equitable, against said city and county. The words expenditure, indebtedness

and liability herein used shall include official salaries and the pay of all employees of said city and county, or of any of its departments.

SEC. 16. No part of the income or revenue provided for any particular fiscal year shall be applied in payment of any indebtedness or liability incurred during any previous fiscal year, the Sinking Funds and the interest upon the Funded Debt alone excepted.

SEC. 17. Except as otherwise expressly authorized in this Charter, the Supervisors, Board of Education or any other Board, Department or Officer shall not give one demand preference over another in the authorization, allowance or approval thereof; but demands shall be acted upon in the order in which they are presented.

SEC. 18. All ordinances or resolutions appropriating money or for the incurring of indebtedness or liability against the Treasury, introduced in either Board of the Supervisors, or in the Board of Education, or other Department or authority, must, before being passed, be presented to the Auditor, and until he certifies in writing upon such ordinance or resolution that such appropriation can be made or indebtedness incurred without violating any of the provisions of this Charter, no further action shall be had upon the same. Such certificate shall not take the place of the allowance of such demand and final action of the Auditor thereon.

SEC. 19. Neither the Supervisors, nor any Officer, Board, Department, or authority, shall allow, make valid, or in any manner recognize any demand against the city and county, which was not at the time of its creation a valid claim against the same, nor shall they, or any of them, ever, allow or authorize to be paid, any demand which, without such action, would be invalid, or which shall then be barred by any statute of limitation, or for which said city and county was never liable.

### CHAPTER III.

#### OF CONTRACTS.

SECTION 1. All contracts for an amount exceeding five hundred dollars, for goods, merchandise, stores, supplies, subsistence, printing, or other work or thing for said city and county, as well as for all subsistence, supplies, drugs, and other necessary articles and things for hospitals, prisons, public institutions and other departments not otherwise specifically provided for in this Charter, must be made by the Supervisors with the lowest bidder offering adequate security, after due public notice published for not less than ten days;

and no purchase thereof or liability therefor shall be made or created except by contract. Where the amount of the bid shall exceed five thousand dollars, all proposals shall be accompanied with a certificate of deposit or certified check on a solvent bank or banking house in said city and county, for one thousand dollars, and where it shall be less than five thousand dollars, of ten per centum on the amount of the bid, payable at sight to the order of the Clerk of the Supervisors. If the bidder to whom the contract is awarded shall for five days after such award fail or neglect to enter into the contract and file the required bond, the Clerk shall draw the money due on said certificate of deposit or check, and pay the same into the Treasury; and under no circumstances shall the certificate of deposit or check or the proceeds thereof be returned to such defaulting bidder. All such contracts shall be awarded by ordinance. In all advertisements for proposals, the quantity and quality of articles shall be fully stated, and any bidder may bid separately for any article named. The award as to each article shall, in all cases, be made to the lowest bidder for such article, and where a bid embraces more than one article, the Supervisors shall have the right to accept or reject such bid or the bid for any one or more articles embraced therein. The Supervisors shall require bonds with sufficient sureties for the faithful performance of every contract. The Clerk of the Supervisors shall furnish printed blanks for all such proposals, contracts and bonds. All bids shall be sealed and delivered by the bidder to the Clerk of the Supervisors, and opened by the Board of Aldermen at an hour and place to be stated in the advertisement for proposals, in the presence of all bidders who attend, and the bidders may inspect the bids. All bids with alterations or erasures therein shall be rejected.

SEC. 2. All contracts for official advertising shall be let in like manner by the Supervisors to the lowest responsible bidder publishing a daily newspaper in said city and county which has a *bona fide* daily circulation of at least eight thousand copies and has been in existence at the time of letting said contract at least two years. The award shall in all cases be made to the bidder making the lowest bid. All said advertising shall be printed in type not larger than that known as agate, and with no display heading greater than half an inch in length, and shall be set solid.

In inviting proposals therefor, said advertising shall not be classified, and no proposal shall be acted upon which offers to do said advertising at different rates for different portions thereof.

Said advertising shall be construed to mean the advertising and publication of all official reports, orders, ordinances,

messages, resolutions, notices inviting proposals and all notices of every nature, and all legal notices and process of every kind, nature, character and description, including all advertising of the Sheriff's office, except only such legal notices and process as are by law issuable out of the office of the County Clerk.

No part or kind of said advertising shall be charged or contracted for at a higher rate than any other part or kind of the same is charged or contracted for, except in the case of the delinquent tax list. Any such overcharge shall be cause for the immediate forfeiture of the contract entered into for such advertising.

The newspaper to which the award of said advertising is made shall be known and designated as the "official newspaper."

The advertising of said delinquent tax list shall be let to the lowest responsible bidder, on a separate bidding from all other official advertising.

No Board, Department, Officer or authority shall make any publication which is not expressly authorized by this Charter, and shall make all publications so authorized in the official newspaper exclusively, unless otherwise expressly authorized by this Charter.

SEC. 3. All contracts for subsistence of prisoners must be given out annually by the Supervisors, at a fixed price per day for each prisoner and person connected with the prison; and the advertisement for proposals published as in the last section provided shall specify each article required, the quality thereof, the quantity for each person, and the existing and probable number of persons to be supplied. All articles of food supplied for the prisons, hospitals or other public institutions must be sound and wholesome, and shall be subject to inspection and rejection by the Health Officer, and by the principal officer of the prison, institution or department for which the same are supplied, and the right to such inspection and rejection must be reserved in the contract therefor.

SEC. 4. Except as otherwise provided in this Charter, the Clerk of the Supervisors shall annually, under the direction of said Supervisors, advertise for proposals for supplying the various Departments, Officers and offices of the city and county with stationery and supplies in the nature of stationery, assessment books, minute books, blank books and the printing of blanks. The contracts for stationery shall be separate from those for printing. The estimates for said supplies shall be based upon the average consumption thereof during the three years next preceding; but the notice for proposals shall require a greater or less quantity to be delivered as the Supervisors may designate, and to

be supplied at such times and in such quantities as may be necessary. The advertisement for bids for paper shall state the weight, quality and size of the various kinds required, and that for printing shall enumerate the various letter heads, tax bills, tax receipts, Court notices, and all blanks, papers and documents now used or hereafter required in any and all departments of the city and county government, including the forms, papers and blanks now used or hereafter required by the Courts of said city and county. The forms for all printing shall be consecutively numbered, and each form and blank shall be known as No. — [specifying the number]. Said advertisements shall be published for at least ten days, and must specify each article and the estimated amount thereof required during the period of the contract, and shall require bidders to state the price at which each article will be furnished, printed or manufactured, as the same may be required from time to time during said period, and the amount of the bond that will be required as security for the performance of said contract. The Clerk of the Supervisors shall have rooms in the New City Hall for the custody of such stationery, and when purchased the same shall be delivered to him, and he shall issue and distribute the same to the various Departments as required. He shall keep accounts in detail, charging himself with all goods received, and crediting himself with the goods delivered upon order or requisition, as hereinafter provided. When any of such supplies are required for any Department of the city government, said Clerk shall issue the same after the requisition for such articles has been made by the head of a Department or his chief deputy, certifying under oath that the supplies named in said requisition are needed for his office. All requisitions for printing shall be made in a similar manner, and when so made, the Clerk shall issue to the contractor for printing, the paper necessary for the execution of the work. Such printing, when completed, shall be delivered to the Clerk, who shall receipt therefor, and deliver the same to the Department for which said printing was done, taking a receipt therefor from the head of the Department or his chief deputy. The Clerk shall report monthly in writing to the Supervisors, in detail, the amount of all paper, blanks, books, stationery and printing ordered by and delivered to any Department or Officer.

SEC. 5. Any Officer of said city and county, or of any Department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall wilfully

mislead any bidder in regard to the character of the material or supplies called for, or who shall accept material or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be removed from office.

SEC. 6. All contracts must be in writing and executed in the name of the City and County by the Officer authorized to make the same, and in cases not otherwise directed by this Charter or by law, such contract shall be executed by the Mayor. All contracts must be countersigned by the Auditor, and registered by number and date in a book kept by him for that purpose. When a contractor fails to enter into the contract awarded to him or to perform the same, new bids must be invited, and a contract awarded as provided herein in the first instance. When the Supervisors believe that the prices bid are too high, or that bidders have combined together to prevent genuine competition, or that the public interest will be subserved, they may reject any and all bids and cause the notice for proposals to be re-advertised.

SEC. 7. No contract for lighting streets, public buildings, places or offices shall be made for a longer period than one year, nor shall any contract to pay for gas, electric light or any illuminating material at a higher rate than is charged to any other consumer, be valid. Demands for lighting public buildings shall be presented monthly to the Board or Department using or having charge thereof, and shall specify the amount of gas, electric light, or illuminating material consumed in such building during the month.

SEC. 8. When water is supplied by any person or corporation to said city and county, or to any Department, it shall not be paid for at more than the rate for the year established by the Supervisors.

## ARTICLE III.

### Finance and Revenue.

#### CHAPTER I.

##### OF THE LEVYING OF TAXES.

SECTION 1. On or before the last Monday of May in each year the Auditor shall transmit to the Supervisors, accompanied with the estimates and reports of each Department, an estimate of the probable necessities of the city and county government for the next ensuing fiscal year, stating

the amount required to meet the interest and sinking funds for all outstanding funded debts, together with the amount needed for salaries and the probable wants of all the Departments of the municipal government in detail, and showing specifically the necessities of each specific fund in the Treasury. Such estimate shall also show what amount of income and revenue will probably be collected from fines, licenses, and other sources of revenue exclusive of taxes upon property, and what amount will probably be required to be levied and raised by taxation, in order to meet the necessities of said fiscal year. The fiscal year of the City and County shall be the same as that of the State.

SEC. 2. On or before the fourth Monday of June in each year the Supervisors shall levy the amount of taxes for city and county purposes required to be levied upon all property not exempt from taxation. Said amount shall be such as the Supervisors deem sufficient to provide for the payment, during the ensuing fiscal year, of all demands upon the Treasury authorized to be paid out of the same; but such levy, exclusive of the State tax and the tax to pay the interest and maintain the Sinking Funds of the bonded indebtedness of said city and county, and exclusive also of a tax of not more than ten cents on the one hundred dollars for the construction of the New City Hall until the same is completed, and of a tax of not more than five cents on the one hundred dollars for the construction and repair of other public buildings, shall not exceed the rate of one dollar on each one hundred dollars' valuation of the property assessed. The Supervisors, in making their said levy, shall apportion the taxes so levied to the several Specific Funds provided for in this Charter, according to their estimate of the necessities of each of said Specific Funds.

In making said apportionment, the Supervisors shall take into account and apportion to said Funds the income and revenue estimated to arise during the year from licenses, fines and other sources; but the income to pay the interest on the bonded indebtedness and provide for the Sinking Funds shall always be provided for out of the tax upon property.

The Supervisors shall authorize the disbursement of the public moneys, except those in the Common School Fund, for the purposes specified and provided for in the Chapter creating and regulating the various Specific Funds in the Treasury, and at the close of each fiscal year, if all demands against each Specific Fund have been respectively paid or satisfied, and all disputed or contested demands finally adjudicated, they shall direct the Treasurer to transfer all surplus moneys to a special fund to be called the Sur-

plus Fund, except such surplus moneys as are in the several Interest and Sinking Funds, in the Common School Fund, in the Police Relief and Pension Fund, in the Firemen's Relief and Pension Fund, and in such other Funds the disposition of whose surplus moneys is in this Charter otherwise provided for.

SEC. 3. The limitation in the preceding section upon the rate of taxation shall not apply in case of any great necessity or emergency; but in such case such limitation may be temporarily suspended so as to enable the Supervisors to provide for such necessity or emergency; but no increase shall be made in the rate of taxation authorized to be levied in one year, unless such increase be authorized by ordinance passed by the unanimous vote of all members elected or appointed to the Board of Aldermen and the Board of Delegates, and entered in the Journals of the said Boards respectively. The character of such necessity or emergency shall be recited in the ordinance authorizing such action, and such ordinance must be approved in writing by the Mayor. Nothing in this section shall authorize the incurring of liabilities against the Treasury not allowed by law, or which cannot be paid out of the income and revenue provided, collected and paid into the proper Specific Fund as its proportion of the same for such fiscal year, or permit liabilities or indebtedness incurred in any one fiscal year to be a charge upon or paid out of the income or revenue of any other fiscal year.

SEC. 4. In estimating the amount necessary to carry on the government for any fiscal year, and determining and fixing the requirements of the various Specific Funds of the Treasury, for the purpose of making the annual tax levy, the Supervisors shall keep a record of their proceedings showing in detailed items what money they intended to raise and for what purposes; and every item of proposed expenditure shall either be applied to the purpose for which it was raised, or shall not be expended during such fiscal year, but shall become a part of the Surplus Fund at the end of said fiscal year.

## CHAPTER II.

### OF THE SEVERAL FUNDS.

SECTION 1. The income and revenue paid into the Treasury shall be kept in separate Specific Funds, as hereinafter provided; and it shall not be lawful to transfer money from one Fund to another, or use the same in payment of demands upon another Specific Fund.

SEC. 2. The several Interest and Sinking Funds in the Treasury authorized by law at the time this Charter takes effect, shall continue therein so long as there shall be occasion therefor; and the moneys therein, or which may belong thereto, shall not be used or appropriated for any purpose other than that for which the same were raised.

SEC. 3. The Common School Fund shall consist of all moneys received from the State School Fund; of all moneys arising from taxes which shall be levied annually by the Supervisors for Common School purposes; of all moneys arising from the sale, rent or exchange of any Common School property; and of such other moneys as may from any source be paid into the Common School Fund.

Out of said Fund shall be paid all sums necessary for the purchase, rent and improvement of school sites; for the construction, alteration and repair of school buildings; for the rent and furnishing of school buildings; for the discharge of incumbrances on school property; for the salaries and wages of the Superintendent, teachers, officers and employees connected with the Common Schools, and of other persons who may be employed in the School Department; for supplying the Common Schools with lights, fuel, water, apparatus and necessary school appliances, and for such other expenses of the School Department as are necessary for the maintenance and proper conduct of said Common Schools.

SEC. 4. The Police Fund shall consist of the moneys annually apportioned to said Fund, and of such other moneys as may from any source come into said Fund.

Out of said Fund shall be paid the salaries of the Police Commissioners, the Judges of the Police Court, and of the regular police force, and all sums necessary for providing police stations, implements and appliances, and such amount of money for the contingent expenses of the Police Department not exceeding in any one year the sum of ten thousand dollars, as the Supervisors shall deem necessary.

SEC. 5. The Street Light Fund shall consist of the moneys annually apportioned to said Fund.

Out of said Fund shall be paid all sums authorized to be paid for lighting the streets, and such public buildings, offices and institutions as are not specially provided to be maintained out of some other Specific Fund.

SEC. 6. The Street Department Fund shall consist of the moneys arising from taxes annually levied and apportioned to said Fund, all moneys which shall be collected by the Tax Collector in payment of street assessments, and all other moneys which may from any source come into said Fund.

Out of said Fund shall be paid all sums authorized to be paid for repairing and improving streets and the cross-

ings thereof which shall have been accepted so as to become a charge upon said city and county; for cleaning streets, crossings and sewers; for all street work in front of, or assessable upon, property owned by said city and county or any Department thereof or by the Government of the United States; for all street work assessable on private property; for all repairs upon the public streets deemed of urgent necessity; for all work authorized by the Supervisors upon the recommendation of the Board of Public Works or expended by said Board as immediately essential for the safety of life, limb or property, or necessary for public health, or which cannot be assessed upon private property; and for all other expenditures on the sewers, streets and highways deemed necessary by the Supervisors, and authorized by any provision of this Charter.

SEC. 7. The Sewer Fund shall consist of the moneys which may in any year be apportioned to said Fund.

Out of said Fund shall be paid all sums authorized to be paid for the construction of such general system of drainage as may be devised by the Board of Public Works, and which shall not be chargeable upon private property.

SEC. 8. The Fire Department Fund shall consist of the moneys annually apportioned to said Fund and such other moneys as may from any other source come into said Fund.

Out of said Fund shall be paid the salaries and wages of all officers, members and employees of the Fire Department, the salaries and wages of the officers, members and employees of the Fire Alarm and Police Telegraph, and the salary of the Secretary of the Board of Fire Commissioners; all sums authorized to be paid for sites for engine houses; for the construction, equipment, repair and necessary supplies of engine houses; for the construction and repair of cisterns, for the erection of hydrants, for the purchase and repair of fire engines, hose carts, hook and ladder carriages, and for the purchase of all other apparatus and appliances and things of every nature and description necessary for the extinguishment of fires; for all other things necessarily used in the engine houses and buildings of the Department; for all necessary horses, harness, horse feed and stable supplies; for all necessary material, supplies and labor for the maintenance and operation of the Fire Department Yard and Workshop; for all material and supplies necessary for the maintenance, extension and repair of the Fire Alarm and Police Telegraph; and for offices and necessary furniture and supplies for the Board of Fire Commissioners.

SEC. 9. The Health Department Fund shall consist of the moneys annually apportioned to said Fund and of such other moneys as may come into said Fund.

Out of said Fund shall be paid the salaries of all officers

and employees of the Board of Health, and any and all other salaries and expenses incurred in the administration of said Health Department, and not expressly provided to be paid out of some other Fund.

SEC. 10. The Hospital and Almshouse Fund shall consist of the moneys annually apportioned to said Fund; of all moneys received from the City and County Hospital and from the Almshouse; and of such other moneys as may come into said Fund.

Out of said Fund shall be paid the salaries of all officers and employees of the City and County Hospital; all sums authorized to be paid for material and supplies required for or used in the maintenance of the City and County Hospital and for the treatment and care of the patients therein; the salaries and wages of the officers and employees of the Almshouse, and all sums authorized to be paid for material and supplies required for or used in the maintenance of the Almshouse and the care and support of the inmates thereof; the salaries and wages of the officers and employees of the Smallpox Hospital; and all sums authorized to be paid for the maintenance of said Smallpox Hospital.

SEC. 11. The Park Improvement Fund shall consist of the moneys annually apportioned to said Fund; of all moneys accruing from rents of grounds, or permits in the parks, or from public property under the control of the Park Commissioners, or arising from the sale of articles from said parks; and of all moneys coming into said Fund by donation, bequest or otherwise.

Out of said Fund shall be paid all sums authorized to be paid for such material, supplies, tools, machinery, appliances, labor and service, as well as for seeds, plants, vines, shrubs and trees, which the Park Commissioners may procure for preserving, improving and beautifying Golden Gate Park and the other public grounds under the control of said Commissioners.

SEC. 12. The Library Fund shall consist of the moneys annually apportioned to said Fund and of all moneys accruing to said Fund by donation, bequest or otherwise.

Out of said Fund shall be paid all sums necessary for the purchase, lease or improvement of real estate, the construction and furnishing of suitable buildings, the salaries and wages of officers and employees of the Free Public Library and Reading Rooms, the purchase of books, journals and periodicals, and such supplies as may be used in the maintenance of said Library and Reading Rooms and its branches.

SEC. 13. The New City Hall Fund shall consist of the moneys arising from taxes annually levied and apportioned to said Fund.

Out of said Fund shall be paid all sums authorized to be paid for the material, labor and service necessary for the completion of the New City Hall.

SEC. 14. The Public Building Fund shall consist of the moneys arising from taxes annually levied and apportioned to said Fund.

Out of said Fund shall be paid all sums authorized to be paid for the material, labor and service necessary for the construction and repair of public buildings.

SEC. 15. The School of Industry Fund shall consist of the moneys annually apportioned to said Fund by the Supervisors; of the proceeds of the sale of any produce, wares or other thing raised or made by the labor of the inmates of said School, and of any gifts or donations made to said Fund.

Out of said Fund shall be paid the salaries and wages of the officers and employees of the School of Industry and the expenses of maintaining said School.

SEC. 16. The House of Correction Fund shall consist of the moneys annually apportioned to said Fund and of the proceeds of the sales of any produce, wares or other thing raised or made by the inmates of said Institution.

Out of said Fund shall be paid the salary of officers and employees of said House of Correction, and the expenses of maintaining the same.

If the School of Industry or House of Correction be abolished, then after all sums properly chargeable against the School of Industry Fund or the House of Correction Fund, as the case may be, have been fully paid, such Fund shall cease, and any moneys remaining therein shall be transferred to the General Fund.

SEC. 17. The Stationery Fund shall consist of the moneys annually apportioned to said Fund.

Out of said Fund shall be paid all sums authorized to be paid for books, blanks, stationery, printing, publishing and advertising required by said city and county, or by the officers thereof in the performance of their official duties, and not otherwise provided for.

SEC. 18. The Salary Fund shall consist of the moneys annually apportioned to said Fund and of all fees collected in the various Offices and Departments not specially appropriated to some other Fund.

Out of said Fund shall be paid all salaries not specifically required to be paid out of some other Specific Fund.

SEC. 19. The General Fund shall consist of the moneys arising from taxes annually apportioned to said Fund; of all moneys received for licenses; of all moneys received from street railroad companies; of all moneys accruing from fines, penalties and forfeitures for crimes and offences; and of all other moneys coming into the Treasury not reserved for a

special purpose, or set apart and apportioned to any other Specific Fund; *provided*, that all moneys arising from licenses, fines or other sources of revenue which shall be at the time of making the annual tax levy apportioned by the Supervisors to any other Specific Fund, shall go to such other Fund and be part thereof.

Out of said Fund shall be paid all sums authorized to be paid for the maintenance of the City and County Jail, the City Prison, and their inmates, and of such other Institutions for the preservation of public order as may be established by ordinance; all sums paid for the expenses of election and the registration of voters except the salaries of permanent officers, which shall be paid out of the Salary Fund; and all other sums authorized to be paid out of the Treasury, and for the payment of which out of any Specific Fund no provision has been made.

SEC. 20. The Surplus Fund shall consist of the money remaining at the end of any fiscal year in any other Specific Fund, except the Common School Fund and such Specific Funds as are by this Charter otherwise expressly provided for, after all valid demands, indebtedness and liabilities against such other Specific Funds incurred within such fiscal year have been paid and discharged; *provided*, that all disputed or contested claims payable out of such Specific Funds have been finally adjudicated.

Said Surplus Fund shall be used for the purposes and in the order following:

1st. In payment of any final judgment against said city and county; but no judgment shall be deemed final until passed upon finally by the Court of last resort.

2d. In liquidation and extinguishment, under such regulations as the Supervisors may adopt, of any outstanding funded debt of said city and county.

3d. To be carried over and apportioned among the Specific Funds and used in the ensuing fiscal year as part of the income and revenue thereof.

SEC. 21. The Special Deposit Fund shall consist of all moneys paid into Court and deposited with the Treasurer by the County Clerk; of all moneys received by the Public Administrator and deposited by him with the Treasurer; and of all other moneys deposited with the Treasurer on special deposit.

The moneys in said Fund shall be paid out in the manner prescribed by law; but all demands against said Fund must be allowed by the Auditor in the manner required in other cases.

SEC. 22. Any moneys remaining at the end of any fiscal year in the Common School Fund, the Street Department Fund, the Park Improvement Fund, the Library Fund, the

New City Hall Fund, the Police Relief and Pension Fund, the Firemens' Relief and Pension Fund, and the Public Building Fund, shall be carried forward to said respective Funds for the ensuing fiscal year; but when the New City Hall Fund shall be completed, the surplus money in the New City Hall Fund shall be transferred to the Surplus Fund and thereafter the said New City Hall Fund shall cease.

SEC. 23. If there be any other Special Fund authorized by this Charter, such Fund shall be a Fund in said Treasury by the name so designated, and shall consist of the moneys apportioned to or paid into the same. Out of such Fund shall be paid only those demands which are properly chargeable thereto.

SEC. 24. Any demand against the Treasury or against any Fund thereof remaining unpaid at the end of the fiscal year for lack of money in the Treasury applicable to its payment, may be paid out of any money which may subsequently come into the proper Fund from delinquent taxes or other uncollected income or revenue for such year. Such demands shall be paid out of such delinquent revenue, when collected, in the order of their registration.

SEC. 25. Any expenditure contemplated by the Supervisors for any purpose not falling within the usual annual expenditure, or embraced within the purposes of any existing Specific Fund, and estimated to exceed twenty-five thousand dollars, shall be provided for and specifically named in the tax levy; and when collected shall be placed in a Special Fund, and used only for such contemplated purpose, and shall be subject in all respects to the rules governing the other Specific Funds; but nothing herein contained shall be deemed to authorize the raising or expenditure of money unless authorized by law or this Charter.

SEC. 26. When there shall be to the credit of any Sinking Fund in the Treasury a sum not less than twenty thousand dollars, which may be applied to the redemption of any outstanding bonds to which said Fund is applicable, which are not redeemable before their maturity, it shall be the duty of the Mayor, Auditor and Treasurer to advertise for thirty days, inviting proposals for the surrender and redemption of said bonds; and after such advertisement, to award the money in said Sinking Fund, or such portion thereof as may be required therefor, to the person offering to surrender said bonds for the lowest price; and upon such award, when duly audited, the Treasurer shall, upon the surrender of said bonds, pay the amount to the person to whom the same was awarded; but no bid for the surrender of any of said bonds shall be accepted which shall require a greater sum of money for their redemption

than the present worth of the principal and interest of said bonds, calculated with interest at the rate of three per centum per annum.

### CHAPTER III.

#### OF THE CUSTODY OF PUBLIC MONEYS.

SECTION 1. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and all moneys which may be collected or received by any Officer of said city and county or any Department thereof, in his official capacity, for the performance of any official duty, and all moneys accruing to said city and county from any source whatever, and all moneys directed by law or this Charter to be paid or deposited in the Treasury, shall be paid into said Treasury; and all officers or persons collecting or receiving such moneys must pay the same into the Treasury; and no officer or person other than the Treasurer shall pay out or disburse such moneys, or any part thereof, upon any allowance, claim or demand whatever.

SEC. 2. All fees, charges and compensation, of whatever nature, received by any officer in the discharge of the duties of his office, shall be paid into the Treasury; and no officer, for the purpose of reimbursing himself for any payment made to any deputy, assistant or employee, or for any expense incurred by him, or on any pretext whatever, shall retain any portion of any moneys received by him by virtue of his office, as or for his fees, charges, commissions, percentage or compensation; but he shall present his demand for such payment or expense, properly certified, to be audited and paid out of the Treasury in the same manner as other demands. Every officer who shall receive any fees, commissions, percentages, or other moneys which should be paid into the Treasury, must, before he shall be entitled to receive any salary, make, and file with the Auditor, a detailed statement showing the amount of all fees, commissions, percentages and moneys received by him since his last statement, and shall produce the receipt of the Treasurer, showing the payment to him by said officer of the aggregate amount thereof. Such statement must be accompanied with the affidavit of the officer, to the effect that it is a full, true and complete statement, and that he has not directly or indirectly received or collected any fees, charges or money for the performance of official duty, up to the time of making such statement, for which he has not fully accounted. Said statement shall be made at least once a month, and be in such form as the Auditor shall prescribe, stating when and from whom, and for what use such moneys were received. This section

shall not apply to the commissions or percentages allowed by law for the collection of poll-taxes.

SEC. 3. All officers authorized to collect or receive fees, commissions, percentages, or other compensation for official services or for expenditures, shall keep books in which shall be entered by items the amount received for all official services performed or expenditures made by them or their deputies or employees, showing the date and nature of such services and expenditures.

SEC. 4. The Mayor, Auditor, and President of the Board of Aldermen, shall every month together examine the books of all Officers having the collection or custody of public funds, and shall see and count all the moneys remaining in the hands of the Treasurer or other Officer, and verify the amount of money by weighing or counting the same.

The Finance Committees of the Board of Aldermen and of the Board of Delegates shall each, on the first Monday in July and in January of each year, and at such other times as they may elect, make the same examination of books and count of money, and report the result to their respective Boards.

The failure for one month to perform this duty, unless prevented by unavoidable cause, shall work a forfeiture of office of any Officer required to do the same.

SEC. 5. If any Officer is found to be a defaulter, the Mayor and Auditor shall forthwith take possession of all moneys, books and papers belonging to his office, and a person shall be appointed to fill the office for the time being, who shall give a bond in the same amount and take the same oath of office as the officer whose place he is appointed to fill. If the Officer charged as a defaulter be acquitted, he shall resume his duties.

SEC. 6. Every demand against said city and county shall, in addition to the other entries and indorsements upon the same required by this Charter, show the ordinance or authorization under which the same was allowed; the name of the Board, Department or authority authorizing the same; the fiscal year in which the same was incurred, and the name of the Specific Fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can be paid only out of the income and revenue provided, collected and paid into the proper Specific Fund in the Treasury for the fiscal year in which it was incurred, and shall refer to Chapter II of this Article; and be numbered with reference to the Specific Fund out of which it is payable, and also to the fiscal year in which it was incurred. A new numbering of all demands shall commence with each fiscal year.

## CHAPTER IV.

## OF THE PAYMENT OF CLAIMS.

SECTION 1. The salaries and compensation of all officers, including policemen and employees of all classes, and all teachers in common schools, and others employed at fixed wages, shall be payable monthly. Any demand on the Treasury accruing under this Charter shall not be paid, but shall be forever barred by limitation of time, unless the same be presented for payment, properly audited, within one month after such demand became due and payable; or, if it be a demand which must be passed and approved by the Supervisors or Board of Education, or by any other Board, then within one month after the first regular meeting of the proper Board held next after the demand accrued; or, unless the Supervisors shall, within six months after the demand accrued as aforesaid, on a careful examination of the facts, resolve that the same is in all respects just and legal, and that the presentation of it, as above required, was not in the power either of the original party interested, or his agent, or the present holder; in which case they may by ordinance revive such claim; but it shall be barred in the same manner unless presented for payment within twenty days thereafter. No action of the Supervisors upon any claim shall make the same payable out of any moneys not arising from the income and revenue of the fiscal year in which the said claim was incurred; nor shall any otherwise valid demand incurred subsequent to the claim which is so revived, be rendered invalid by reason of such revival exhausting the Fund out of which subsequent claims might otherwise be paid; but such revived claim shall take date and place as of its revival, and not prior to the ordinance of revival.

## ARTICLE IV.

**Executive Department.**

## CHAPTER I.

## OF THE MAYOR.

SECTION 1. The Mayor shall be the chief executive officer of the city and county, and shall hold office for ~~four~~ *two* years. He may appoint a Secretary who shall hold his position at the pleasure of the Mayor.

SEC. 2. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exacti-

tude, or the want thereof, with which they execute their duties and obligations, especially in the collection, custody, administration and disbursement of the public funds and property; and the books, records, and official papers of all Departments, Boards, Officers and persons in the employ or service of the city and county, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said Departments, Boards, Officers, and persons are kept in legal and proper form; and any official defalcation or wilful neglect of duty, or official misconduct which he may discover or which shall be reported to him, shall be laid by him before the Board of Aldermen and the Grand Jury, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Supervisors information in writing relative to the state of the city and county, and shall recommend such measures as he may deem beneficial to its interests. He shall see that the laws of the State and the ordinances of the City and County are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every Department, Board, or Officer at least once in every six months, and enforce such examination. Any person refusing to submit or to permit such examination, or purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed as in this Charter provided. He shall have a general supervision over all the Departments and public institutions of the city and county, and see that they are honestly, economically, and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be promptly and effectually suppressed.

SEC. 3. He shall see that all contracts and agreements with the City and County are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted in the name of said City and County, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. It shall be the duty of every Officer and person in the employ or service of said City and County, when it shall come to his knowledge that any contract or agreement with the city and county, or with any Officer or Department thereof, or

relating to the business of any office, has been or is about to be violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter; and a wilful failure so to do shall be cause for the removal of such officer or employee. The Mayor shall give a certificate, on demand, to any person reporting such facts and information, that he has done so, which certificate shall be evidence in exoneration from a charge of neglect of such duty.

SEC. 4. The Mayor shall appoint all officers whose election or appointment is not otherwise specially provided for in this Charter or by law.

SEC. 5. When an audited demand has been presented to the Treasurer, and not paid, and such fact be made known to the Mayor, he shall immediately investigate the cause of such non-payment; and if he ascertain that the demand has been illegally or fraudulently approved or allowed, he shall cause the officer guilty of such illegal or fraudulent approval or allowance to be suspended and proceeded against for misconduct in office. If he ascertain that the demand has been duly audited, and that the Treasurer has moneys applicable to the payment thereof, which, without reasonable ground for doubt as to the legality of such payment, he refuses to apply thereto, the Treasurer shall be proceeded against for misconduct in office. If he ascertain that the demand was not paid for want of money, he shall cause the Tax Collector or other Officer, who ought to have collected, or to have paid the money into the Treasury, if he has been negligent therein, to be proceeded against for misconduct in office.

SEC. 6. When any person shall furnish to the Mayor a statement, in writing, under oath, to the effect that he has cause to believe, and does believe, that any deputy, clerk, or employee under any Officer, or in any Department, is incompetent or inefficient, or that there are more deputies, clerks, or employees under any Officer, or in any Department, than are necessary, the Mayor shall at once investigate the matter, after notice to such deputy, clerk, or employee, and his principal, or the head of the Department; and if the Mayor find the same to be true, he shall cause such deputy, clerk or employee to be removed.

SEC. 7. The Mayor may call special sessions of the Supervisors, or either Board thereof, and shall communicate to them in writing when assembled, the objects for which they have been convened; and their action at such sessions shall be confined to such objects.

SEC. 8. When and so long as the Mayor is temporarily unable to perform his official duties, the President of the Board of Aldermen shall act as Mayor *pro tempore*. When

a vacancy occurs in the office of Mayor it shall be filled for the unexpired term by the Supervisors assembled in Joint Convention for that purpose; and any person possessing the necessary qualifications may be chosen Mayor at such election. A Supervisor, during the term for which he shall have been elected or appointed, shall be ineligible to fill such vacancy.

SEC. 9. The Mayor shall not receive for any public service rendered by him during his term of office any other or greater compensation than the salary allowed him as Mayor.

## CHAPTER II.

### OF THE AUDITOR.

SECTION 1. The Auditor shall be the head of the Finance Department, and must be always acquainted with the exact condition of the Treasury, and every demand upon it. He shall be in personal attendance at his office daily during office hours, and shall not engage in any other occupation or calling, while Auditor. He shall be the general accountant of said city and county, and shall receive and preserve in his office, all accounts, books, vouchers, documents and papers relating to the accounts and contracts of said city and county, its debts, revenues, and other financial affairs. He shall give information as to the exact condition of the Treasury, and every Fund thereof, when requested by the Mayor, the Supervisors, or either Board thereof, or any Committee or member demanding the same.

SEC. 2. The Auditor shall appoint a deputy who shall be designated Deputy Auditor. He shall possess the qualifications required for the Auditor. In case of the absence of the Auditor from his office, the Deputy Auditor shall have the same powers in the allowance and approval of demands upon the Treasury, as are authorized to be exercised by the Auditor.

SEC. 3. The Auditor shall adopt a proper mode of double entry book-keeping, and keep all accounts, general and special, in a systematic, chronological and orderly manner. He shall keep an account of all moneys paid into and out of the Treasury, and the Treasurer shall pay no money out of the Treasury, upon any pretext, except upon demands duly audited and allowed by the Auditor; and any ordinance or law providing for the payment of any demand out of the Treasury or any Fund thereof, whether from public funds, or from private funds deposited therein, shall always be construed as requiring the auditing of such demand by the Auditor before the same can be paid.

SEC. 4. He shall number and keep an official record of all demands audited by him, showing the number, date, amount, name of the original holder, on what account allowed, out of what Fund payable, and if previously approved or allowed, by what Officer, Department or Board it has been so approved or allowed. It shall be misconduct in office for the Auditor to deliver any demand with his official approval until this requirement shall have been complied with.

SEC. 5. He shall keep publicly posted in his office a list of all persons receiving salaries or wages from the city and county, with the amount of monthly salary or wages received by each opposite his name, which list shall be revised and corrected by him monthly, and be at all times open to public examination.

SEC. 6. The term "Audited," as used in this Charter, means that the demand has been presented to and passed upon by every Officer, Board, Department and Committee required to act thereon, and finally allowed, as required by this Charter, and this must appear upon the face of the demand, or else it is not "Audited."

SEC. 7. No demand shall be allowed by the Auditor in favor of any corporation or person in any manner indebted to said city and county, except for taxes not delinquent, without first deducting the amount of any indebtedness, of which he has written notice; or in favor of any person having the collection, custody or disbursement of public funds, unless his account has been presented, passed, approved and allowed, as herein required; or in favor of any Officer who has neglected to make his official returns or reports in the manner and at the time required by law, ordinance, or the regulations of the Supervisors; or in favor of any Officer who has neglected or refused to comply with any of the provisions of law regulating his duties, on being required by the Mayor, in writing, to comply therewith; or in favor of any Officer or employee for the time he shall have absented himself without legal cause from the duties of his office during office hours; and the Auditor must always examine on oath any person receiving a salary from said city and county, touching such absence.

Moneys placed in the Special Deposit Fund shall not be subject to the provisions of this section.

SEC. 8. If any person feel aggrieved by the decision of the Auditor in the rejection of, or refusal to approve or allow, any demand presented by such person, he may appeal from such decision to the Supervisors; and their decision thereon shall be final, if such decision be expressed by the affirmative vote of not less than eight members of each Board. If, on such appeal, the demand be approved for the whole

or for any part thereof, it shall thereafter be presented to the Auditor, and entered in the proper book in like manner as other demands allowed by him, and an indorsement must be made of its having been so entered, before it can be paid. In all such appeals the opinion of the City Attorney thereon must be required by the Supervisors.

SEC. 9. Every demand upon the Treasury, except the salary of the Auditor, must, before it can be paid, be presented to the Auditor, who shall satisfy himself whether the money is legally due, and its payment authorized by law, and out of what Fund it is payable. If he allow it, he shall indorse upon it the word "allowed," with the name of the Fund out of which it is payable, and the date of such allowance, and sign his name thereto. No demand shall be approved, allowed, audited or paid, unless it specify each several item, date and amount composing it, and refer by chapter and section to the provision of this Charter authorizing the same.

SEC. 10. The demand of the Auditor for his monthly salary shall be audited and allowed by the Mayor. All other demands on account of salaries fixed by law, ordinance, or this Charter, and made payable out the Treasury, may be allowed by the Auditor without any previous approval. All demands payable out of the Common School Fund must, before they can be allowed or paid, be previously approved by the Board of Education. Demands payable out of the Treasury for salaries, wages, or compensation of deputies, clerks, assistants, or employees, in any office or department, must, before they can be audited or paid, be first approved in writing by the Officer, Board, Department or authority under whom, or in which, such demand originated. All other demands payable out of any Funds in the Treasury, must, before they can be allowed by the Auditor, or recognized, or paid, be first approved by the Department, Board or Officer, in which the same has originated, and in all cases must be approved by the Supervisors.

SEC. 11. The Auditor shall keep an official register of all demands presented to him for allowance against the various Specific Funds in the Treasury, entering them therein as soon as presented, and numbering them in the order of their presentation as to each Specific Fund; said register shall show the special number of the demand as acted upon by the Supervisors or the Board, Department or authority authorizing the same. The Auditor shall act upon and allow or reject each demand in the order of its registration. He shall not allow any demand out of its order or give priority to one demand over another drawn upon the same Specific Fund, unless such demand be entitled thereto. A transcript of the Auditor's register of

demands shall be by the Auditor furnished and delivered to the Treasurer, daily, so that he shall at all times know what demands are pending or have been allowed against each Specific Fund.

### CHAPTER III.

#### OF THE TREASURER.

SECTION 1. The Treasurer shall receive and safely keep all moneys which shall be paid into the Treasury, either as the money of said city and county or of any person, or upon any trust, or for any purpose, and shall not loan, exchange, use or deposit the same or any part thereof, to or with any bank, banker or person; or pay out any part of said moneys except upon demands authorized by law and this Charter, and after they shall have been audited by the Auditor. At the close of business each day he shall take an account of and enter into the proper book the exact amount of money on hand, and at the end of every month he shall make, and file with the Mayor and publish, a statement of all receipts into and payments from the Treasury, and on what account and from what Fund. If he violate any of the provisions of this section he shall be guilty of misconduct in office and be liable to removal, and be proceeded against accordingly. He shall not loan, exchange or deposit said moneys, or any part thereof, contrary to the provisions of this section, or apply the same to his own use, or to the use of any other person in any manner, or suffer the same to go out of his personal custody, except in payment of duly audited demands upon the Treasury. He shall keep the money belonging to each Fund established or which may exist under this Charter at any time, separate and distinct, and shall, in no case, pay demands chargeable against one Fund out of moneys belonging to another. He shall be in personal attendance at his office each day between the hours of nine o'clock in the morning and four o'clock in the afternoon.

Sec. 2. The Treasurer, on receiving any money into the Treasury shall make out and sign two receipts for said money; said receipts shall be alike, except, that upon the face of one of them shall appear the word "Original," and upon the face of the other shall appear the word "Duplicate." Said receipts shall be numbered and dated, and shall specify the amount, on what account, and from what

person or officer received, and into what Fund or on what account paid. The Treasurer shall enter upon the stubs of said receipts, a memorandum of the contents thereof, and deliver the receipt marked "Original" to the person or Officer paying said money into the Treasury, and forthwith deliver the receipt marked "Duplicate" to the Auditor, who shall write upon its face the date of its delivery to him, and charge the Treasurer with the amount specified therein, and file said receipt in his office.

SEC. 3. The holder of the receipt marked "Original," shall present the same to the Auditor to be countersigned, who before countersigning the same, shall compare it with the "Duplicate" thereof, and make an entry in a book kept by him for that purpose, of the number, date and amount, and in whose favor given, and on what account, and to what Fund or on what account the moneys therein named are to be charged or credited. No such receipt shall be valid in favor of any person or officer until presented to the Auditor and countersigned as aforesaid.

SEC. 4. All Officers receiving money from the Treasury for disbursement shall give receipts therefor, which shall be presented to and countersigned by the Auditor. The Auditor, before countersigning any such receipt, shall number it, and make an entry in a book kept for that purpose, of the number, date and amount, by whom, and in whose favor given, and on what account. No such receipt shall be valid in favor of the person receiving it until presented to the Auditor and countersigned as aforesaid.

SEC. 5. No demand shall be paid by the Treasurer unless it specify each several item, date and amount composing it, and refer by title, date and section to the law, ordinance or provision of this Charter authorizing the same; but the allowance or approval of the Auditor, or of the Supervisors, or of any Department Board or Officer, of any demand which upon its face appears not to have been expressly made payable out of the Fund to be charged therewith, shall afford no warrant to the Treasurer for paying the same.

SEC. 6. Every lawful demand upon the Treasury audited and allowed as in this Charter required, shall in all cases be paid on presentation, if there be sufficient money in the Treasury applicable to the payment of such demand, and on payment canceled with a punch, cutting the word "Canceled" therein, and the proper entry thereof made; but if there be not sufficient money so applicable, then it shall be registered in a book kept for that purpose by the Treasurer. Such register shall show the special number given by the Supervisors or other authority,

and also by the Auditor, to each demand presented; also when presented, the date, amount, name of original holder, and on what account allowed, and out of what Specific Fund payable. Upon being so registered, it shall be returned to the party presenting it, with an indorsement of the word "Registered," dated and signed by the Treasurer; but the registration of any demand shall not operate in any manner to recognize or make valid such demand, if incurred in contravention of any of the provisions of this Charter. The Treasurer shall not give or allow priority in payment of one demand over another drawn upon the same Specific Fund, or pay demands out of their order to the detriment, delay or injury of the holder of any demand.

## CHAPTER IV.

### OF THE TAX COLLECTOR.

SEC. 1. The Tax Collector shall collect all licenses which may at any time be required by law or ordinance to be collected within said City and County, and all taxes levied upon real and personal property within the City and County. Upon the final settlement to be made by him according to law, or this Charter, he shall be charged with and shall pay into the Treasury, without any deduction for commissions, fees or charges of any kind or on any account whatever, the full amount of all taxes, assessments and moneys received by him and not previously paid over, including all moneys paid under protest, and for taxes paid more than once, and for street assessments; he shall be charged with, and be debtor to the City and County for, the full amount of all taxes due upon the delinquent tax list delivered to him for collection, unless it appear to the satisfaction of the Supervisors expressed by resolution, that it was out of his power to collect the same by levy and sale of property liable to be seized and sold therefor.

SEC. 2. He shall visit all places of business and examine all persons liable to pay licenses, and see that licenses are taken out and paid for. In the performance of their official duties he and his deputies shall have the same powers as Police officers in serving process, and in making arrests; and may demand the exhibition of license for the current term from any person, firm, or corporation, engaged or employed in the transaction of any business for which a license is required; and if such person, firm, or corporation, shall refuse or neglect to exhibit such license, the same may be revoked forthwith by said Tax Collector.

SEC. 3. The Auditor shall, from time to time, deliver to the Tax Collector, such City and County licenses as may be required, and sign the same and charge them to the Tax Collector, specifying in the charge the amounts thereof named in such licenses respectively, and the class of licenses, and take receipts therefor; and said Tax Collector shall sign and collect the same. The Tax Collector shall, once in every month, and oftener when required by the Auditor, make to the Auditor a report under oath, of all licenses sold and on hand, and of all amounts paid the Treasurer, and shall also in that regard, comply with the regulations which may be prescribed by the Supervisors; and, at the time of making such report, shall exhibit to the Auditor all licenses on hand and the Treasurer's receipts for all moneys paid into the Treasury.

## CHAPTER V.

### OF THE ASSESSOR.

SECTION 1. The Assessor shall assess all taxable property within said City and County, at the time and in the manner prescribed by the general laws of the State.

## CHAPTER VI.

### OF THE RECORDER.

SECTION 1. The Recorder shall have the custody of all books, records, maps and papers deposited in his office, and upon demand and payment of the fees prescribed therefor by law or by ordinance, shall furnish to any one applying therefor a copy of any such book, record, map or paper, certified under his hand and the seal of his office. He, or his deputies, when any papers are presented for filing or recording, shall write on the margin of each paper so presented, the number of folios and the amount paid for recording the same. In his monthly statement to the Treasurer he shall certify under oath the name of each copyist in his office, and the number of folios copied by each during the preceding month. He shall make a monthly statement under oath to the Auditor of the receipts and expenses of his office in detail.

## ARTICLE V.

**Department of Public Works.**

## CHAPTER I.

## OF THE BOARD OF PUBLIC WORKS.

SECTION 1. There shall be a Department of Public Works under the management of three Commissioners, who shall constitute the Board of Public Works. Said Commissioners shall be appointed by the Mayor, and hold office for four years. Those Commissioners first appointed shall, at their first meeting, so classify themselves by lot that one of them shall go out of office in two years, one in three years, and one in four years.

SEC. 2. Immediately upon their appointment and qualification, said Commissioners shall organize as a Board and elect one of their number President, who shall hold his office for the term of one year and until his successor is elected. Said Board shall elect a Secretary who shall not be a member of said Board; and shall establish rules and regulations governing its proceedings, and for the regulation and conduct of its officers, clerks and employees; and may require bonds from any of its subordinates for the faithful performance of their duties. Such bonds must be approved by all of said Commissioners, and be filed with the Auditor.

SEC. 3. The Board shall hold a regular meeting once in each week, and special meetings at such other times as it may appoint, or as may be provided by its rules. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon its records, and which shall not be changed except by similar resolution, of which notice shall be published for two weeks. The meetings of the Board shall be public. No order or resolution shall be passed or business transacted involving the approval of bonds, awarding of contracts, appointment of employees, or resolutions of intention recommending work or improvement, except by the concurrent vote of all of said Commissioners. No business shall be transacted at a special or adjourned meeting of the Board except such as may by resolution have been made the special order of business for such meeting, or such as may have been under or proposed for consideration at the meeting from which the adjournment was had.

SEC. 4. The Board shall cause to be kept a record of its proceedings, and shall keep copies of all plans, specifications estimates, contracts, certificates, receipts, surveys, field notes, profiles and of all papers pertaining to the transactions of the Board. It may, when it shall deem it ex-

pedient, and shall, when requested by either Board of Supervisors, furnish to said Board such data or information as may be proper or requested.

SEC. 5. The Secretary of said Board shall keep a record of the transactions of the Board, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. No order or resolution shall be valid or have any effect until the same has been recorded at length by the Secretary in the minutes of, and such record approved by, the Board, together with the names of the Commissioners voting for the same. The Secretary shall cause the publication of all notices herein authorized to be published, or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe or direct.

SEC. 6. Said Board may, from time to time, appoint as many clerks and employees as may be necessary, and as may be by ordinance authorized by the Supervisors.

The salaries of all officers, clerks and employees of said Board, except so far as the same are designated in this Charter, shall be fixed from time to time by the Supervisors on recommendations by said Board.

SEC. 7. Said Board shall immediately after its organization take possession and have the custody and control of all maps, surveys, field notes, records, plans, specifications, contracts, models, machinery, tools, appliances, contract rights, privileges, books, documents, papers, archives, and property belonging to said City and County, heretofore kept by or in the offices of the City and County Surveyor, the Superintendent of Public Streets, Highways and Squares, and the Board of New City Hall Commissioners.

SEC. 8. Said Board shall have special charge, superintendence and control, subject to such ordinances as the Supervisors may from time to time adopt, of all streets, highways, roads, bridges, and public places (except such as are or may be entrusted to the management of the Park Commissioners), belonging to said City and County, or dedicated to public use, and of the improvement and repair thereof; of all sewers, drains and cesspools, and the work pertaining thereto, or to the drainage of said city and county; of the cleaning of streets, and of all repairs upon accepted streets; of the construction and repair of all public buildings, and the making of all public improvements for said city and county, or under its authority, and of the repairs to such improvements; of all lamps and lights for the lighting of the streets, parks, public places and public buildings of said city and county, and of the erection of all posts for such lights and lamps; and of all public works and improvements hereafter to be done by said city and county.

Said Board shall have exclusive authority to prescribe rules and grant permits, in conformity with the ordinances of said city and county, for the moving of buildings through the streets thereof, and the building or placing of cellars or vaults under the streets or sidewalks; the construction of steps or other approaches to buildings upon the sidewalks, and of railings and fences enclosing areas upon the sidewalks; the laying down and construction of railroad tracks in the streets; the erection of telegraph and telephone poles, and poles for electric lighting, and the laying under the surface of the streets or sidewalks of telegraph or telephone wires, and wires for electric lighting; the construction of drains and sewers; the laying down and taking up of gas, steam and water pipes, pneumatic or other tubes or pipes, and sewers and drains, and determining the location thereof; the using of the street or any portion thereof for the deposit of building material in front of a building during its construction or repair, or for any purpose other than such as ordinarily and properly belongs to the public from the dedication thereof to public use; and without such permission in writing from said Board no person shall do any of the acts in this section enumerated.

All electric, telegraph and telephone wires shall be located, laid, erected and maintained, subject to the approval of the Superintendent of the Fire Alarm and Police Telegraph.

Said Board shall have full power to regulate and control, subject to the ordinances of said city and county, the manner of using the streets, sidewalks and public places, and to cause the removal of all obstructions therefrom; and to cause the prompt repair of the streets, sidewalks and public places when the same may be taken up or altered. Said Board is authorized to collect, by suit or otherwise, in the name of the City and County of San Francisco, the expense of such repairs from the person or persons by whom such street or sidewalk was injured or torn up.

SEC. 9. Said Board shall appoint a Civil Engineer who shall have had at least ten years practical experience as such, who shall be designated City Engineer. He shall perform all civil engineering and surveying required in the prosecution of the public works and improvements done under the direction and supervision of the Board, and shall certify to the progress and completion of the same, and do such other surveying or other work as he may be directed to do by said Board, or by the Supervisors. He shall possess the same power in said city and county in making surveys, plats and certificates as is, or may be, from time to time, given by law to County Surveyors; and his official acts and all plats, sur-

veys and certificates made by him shall have the same validity and be of the same force and effect as are, or may be given by law, to those of County Surveyors.

SEC. 10. The Supervisors shall, by ordinance, upon the recommendation of said Board, establish such fees and charges as may be proper for the services to be performed by the City Engineer, and as are not inconsistent with the laws of the State, and may, upon like recommendation, from time to time, change and adjust the same. Said Engineer shall require such fee or charge to be paid in advance to the Secretary of the Board for any official act or service demanded of him. With the consent and approval of the Board, the City Engineer may appoint such deputies, not exceeding the number that may be fixed by the Supervisors, as the duties of his office may require. The deputies so appointed shall receive such salaries or compensation as may be fixed by the Supervisors upon the recommendation of said Board and they, or any of them, may be removed at pleasure by the City Engineer, or by said Board.

SEC. 11. Said Board shall appoint an Architect, who, under the direction and control of said Board, shall prepare plans and specifications of the work to be done; make necessary drawings and estimates of cost for the same; judge of and determine the quality and durability of the materials that may be furnished for the construction or repair of any public building, and approve of or reject the same, and take special care that all work be done in a good, substantial and workmanlike manner, and in accordance with the drawings, plans and specifications. Upon the completion of the New City Hall, the office of said Architect shall cease.

SEC. 12. Said Board shall appoint a Superintendent of Public Works, who shall be a master builder; and who shall, when any public building is in the course of construction or of repair, or when any materials to be used in its construction or in its repair are being furnished, be in attendance at said building and see that the work is done in a good, substantial, and workmanlike manner, and that the material used or furnished is of the description, quality and quantity called for by the specifications and contract. All work upon public buildings under the control of said Board shall be done under the immediate supervision of said Superintendent, and all material used in the construction or repair thereof shall be furnished under his immediate supervision. He shall perform such other duties as may be required of him by said Board. He shall devote his whole time to the duties of his office, and shall not be engaged in any other business or receive any salary or compensation for any other service.

SEC. 13. All applications for establishing or changing the grade of any street or streets, the improvement of public grounds or buildings, the laying out, establishing, opening, closing, straightening, widening or improvement of any street, road or highway, or the laying out and opening of any new street through public or private property, and for all public improvements which involve the necessity of taking private property for public use, or where any part of the cost or expense thereof is to be assessed upon private property, shall be made to said Board, and such work or improvement shall not be ordered or authorized until after said Board shall have reported to the Supervisors upon said application.

SEC. 14. All public work, authorized by the Supervisors to be done under the supervision of the said Board, shall be done under written contract, except in case of urgent necessity as hereinafter provided. Before the award of any contract for doing any work authorized by this Article, said Board shall cause notice to be posted conspicuously in its office for not less than five days, and published for the same time, inviting sealed proposals for the work contemplated; *except*, however, that when any repairs or improvement, not exceeding an estimated cost of five hundred dollars, shall be deemed of urgent necessity by said Board, such repairs or improvement may be made by said Board under written contract or otherwise, without advertising for sealed proposals.

SEC. 15. Said advertisement and notice shall invite sealed proposals, to be delivered at a certain day and hour at the office of said Board, for furnishing the materials for the proposed work, or for doing said work, or for both, as may be deemed best by said Board, and shall contain a general description of the work to be done, the materials to be furnished, the time within which the work is to be commenced, and when to be completed, and the amount of bond to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of said Board for full details and description of said work and materials.

SEC. 16. All proposals shall be made upon printed forms to be prepared by said Board, and furnished gratuitously upon application, with a form for the affidavit hereinafter provided for, printed thereon. Each bid shall have thereon the affidavit of the bidder that such bid is genuine, and not collusive or sham; that he has not colluded, conspired, connived or agreed, directly or indirectly, with any other bidder or person to put in a sham bid, or that such other person shall refrain from bidding; and has not in any manner sought by collusion to secure any advantage against said city and county, or any person interest-

ed in said improvement, for himself or any other person. All bids shall be clearly and distinctly written, without any erasure or interlineation, and if any bid shall have an erasure or interlineation it shall not be received or considered by said Board. Any contract made in violation of any of the foregoing provisions, and, in the case of improvement of streets, any assessment for the work done under said contract, shall be absolutely void.

All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the Clerk of the Supervisors, for an amount not less than ten per cent. of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check.

No person, corporation or firm shall be allowed to make, file, or be interested in, more than one bid for the same work. If on the opening of said bids more than one bid appear in which the same person, corporation or firm is interested, all such bids shall be rejected.

SEC. 17. On the day and at the hour specified in said notice inviting sealed proposals, said Board shall assemble and remain in session for at least one hour thereafter, and all bids shall be delivered to said Board while it is so in session, and within the hour named in the advertisement. No bid not so delivered to the Board shall be considered. Each bid as it shall be received shall be numbered and marked "Filed" by the President and authenticated by his signature. At the expiration of the hour stated in the advertisement within which the bids will be received, the Board shall, in open session, open, examine and publicly declare the same, and an abstract of each bid shall be recorded in the minutes of the Board by the Secretary. Before adjourning, the Board shall compare the bids with the record made by the Secretary, and shall thereupon, at said time, or at such other time, not exceeding twenty days thereafter, as the Board may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided. Notice of such award shall forthwith be posted for five days by the Secretary of said Board in some conspicuous place in the office of said Board, and be published for the same period of time.

The Board may reject any and all bids, and must reject the bid of any party who has been delinquent or unfaithful in any former contract with said city and county, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks corresponding to the bids so rejected. If all the bids are rejected, the Board shall return all the checks to the proper parties, and again invite sealed proposals, as in the first instance.

The check accompanying the accepted bid shall be held

by the Secretary of the Board until the contract for doing said work, as hereinafter provided, has been entered into, whereupon said certified check shall be returned to said bidder.

If said bidder fails or refuses to enter into the contract to do said work, as hereinafter provided, then the certified check accompanying his bid, and the amount therein mentioned, shall be forfeited to said city and county, and shall be collected and paid into the Street Department Fund. Neither the Board of Public Works nor the Supervisors shall have power to relieve from, or remit, such forfeiture.

SEC. 18. If at any time it shall be found that the person to whom a contract has been awarded has, in presenting any bid or bids, colluded with any other party or parties, for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and said Board shall advertise for a new contract for said work.

SEC. 19. In the case of improvement of streets, the owners of the major part of the frontage of lots and lands upon the street whereon the work is to be done, or which are liable to be assessed for said work, or their agents, shall not be required to present sealed proposals, but may, upon making oath that they are such owners, or the agents of such owners, within ten days after the first posting of notice of said award, elect to take said work and enter into a written contract to do the whole work at the price at which the same has been awarded. Should said owners not elect to take said work and enter into a written contract therefor within said ten days, or fail to commence the work within fifteen days after the first publication of notice of said award, and prosecute the same with diligence to completion, the Board shall enter into a contract with the original bidder to whom the contract was awarded, and at the price specified in his bid. If said original bidder fail or refuse for fifteen days after the first publication of notice of the award to enter into the contract, the Board shall again advertise for proposals, as in the first instance.

SEC. 20. If the owners or contractor who may have entered into any contract do not complete the same within the time limited in the contract, or within such further time as is hereinafter provided, said Board may relet the unfinished portion of said work, after pursuing the formalities hereinbefore prescribed for the letting of the whole.

SEC. 21. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the material to be used. No change or modification in the plans or specifica

tions shall be made after proposals for doing the work have been called for.

Every contract entered into by said Board shall be signed by all the members thereof, and by the other contracting party. All contracts shall be signed in triplicate, one of which, with the specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the Clerk of the Supervisors; one thereof, with said specifications and drawings, shall be kept in the office of the Board; and the other, with said specifications and drawings, shall be delivered to the contractor.

At the same time with the execution of said contract, said contractor shall execute to said city and county, and deliver to the Secretary of the Board, a bond in the sum named in the notice for proposals, with two or more sufficient sureties to be approved by said Board, or shall deposit with the Secretary a certified check upon some solvent bank, for said amount, for the faithful performance of said contract. No surety on any bond shall be taken unless he shall be a payer of taxes on real property, the assessed value of which, over and above all incumbrances, is equal in amount to his liabilities on all bonds on which he may be security to said city and county; and each surety shall justify and make an affidavit (for which a form shall be printed upon said bond), signed by him, that he is assessed upon the last Assessment Book of said city and county in his own name for real property in an amount greater than his liability on all bonds on which he is surety to said city and county, and that the taxes on said property so assessed are not delinquent.

The contract shall specify the time within which the work shall be commenced, and when to be completed, as was specified in the notice inviting proposals therefor. Upon the recommendation of said Board the Supervisors may extend said time; but in no event shall the time for the performance of said contract be extended by the Supervisors more than ninety days beyond the time originally fixed for its completion. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the Supervisors shall not pay or allow to him any compensation for any work done by him under said contract; and, in the case of improvement of streets, no assessment shall be made for the work done under said contract.

SEC. 22. The work in this Article provided for must be done under the direction and to the satisfaction of said Board; and the materials used must be in accordance with the specifications and be to the satisfaction of said

Board, and all contracts provided for in this Article must contain a provision to that effect, and also, that in no case, except where it is otherwise provided in this Charter, will said city and county, or any Department or Officer thereof, be liable for any portion of the expense, or in the case of improvement of streets, for any delinquency of persons or property assessed.

When said work shall have been completed to the satisfaction and acceptance of said Board, it shall so declare by resolution, and thereupon, said Board shall deliver to the contractor a certificate to that effect.

SEC. 23. The Commissioners of said Board shall not, nor shall either of them, or any person employed in said Department, be interested, directly or indirectly, in any contract for work, labor, or material entered into by said Board; nor shall either of such Commissioners, officers or employees, be allowed to receive any gratuity or advantage from any contractor, laborer, or person furnishing labor or material for the same. Any contract made in violation of any of the provisions of this section shall be void; and the receipt of any such gratuity shall be cause for the immediate removal from office, or from employment, of the person so receiving it.

## CHAPTER II.

### OF THE IMPROVEMENT OF STREETS.

SECTION 1. All streets, lanes, alleys, places and courts in said city and county now open or dedicated, or which may hereafter be opened or dedicated to public use, and of which the grade and width have been legally established, shall be deemed and held to be open public streets for the purposes of this Article.

SEC. 2. The cost and expense of all work or improvement done upon any part of said streets, lanes, alleys, places or courts, under the order of the Supervisors, shall be borne and paid for as follows, viz:

*First*—The City and County shall pay out of the Street Department Fund the cost and expense—

1. Of all work done on streets, crossings and intersections of streets that have been or may be accepted by said city and county, after the acceptance of the same, and of all repairs and improvements deemed of urgent necessity that may be made upon the public streets and highways.

2. Of all work done in front of, or that may be assessed to, property owned by said city and county, or any Department thereof.

3. Of all work done in front of, or that may be assessed to, property owned by the United States.

*Second*—The cost and expense of all sewers, cesspools, manholes, culverts and drains, and of all grading, planking, macadamizing, paving, piling and capping any street, or portion thereof, and of all curbs thereon, shall be assessed upon the lands within the block or blocks adjacent thereto as herein provided.

*Third*—The expense of all work on such portion of any street required by law to be kept in order by any person, company, or corporation, having railroad tracks thereon, shall be borne and paid for by such person, company or corporation.

No assessment shall be levied upon any property, which, together with all assessments for street improvements that may have been levied upon the same property during the year next preceding, will amount to a sum greater than fifty per centum of the value at which said property was assessed upon the last preceding Assessment Book of said City and County.

SEC. 3. When any street or portion of a street, not less than one block, or any entire crossing, shall have been paved with stone or with such material as may be recommended by the Board of Public Works and approved by the Supervisors by ordinance, throughout the entire width of the roadway thereof, and curbs of stone and sidewalks shall have been constructed thereon, and a brick sewer or iron-stone pipe, or cement pipe, shall have been constructed or placed therein, under such regulations as may have been adopted by said Board, the same shall be accepted by the Supervisors upon the recommendation of said Board, and all improvement of said streets, except for sidewalks, shall thereafter be done at the expense of said city and county; *provided*, that the Supervisors may, upon the recommendation of said Board, partially or conditionally accept any street or portion of a street, without a sewer, if the ordinance of acceptance expressly states that the Supervisors deem such sewer to be then unnecessary; but the lots of land previously, or at any time, assessable for the cost of constructing a sewer, shall remain and be assessable for such cost, and for the cost of repairs and restoration of the street damaged in the said construction, when said Supervisors shall deem a sewer to be necessary and shall order it to be constructed, the same as if no partial or conditional acceptance had been made.

The Supervisors shall not accept any sidewalk, or incur any liability against said city and county for the construction or repair of any sidewalk, except in front of or with respect to public property.

SEC. 4. When application is made to said Board for any work or improvement, the cost and expense of which, or any part

thereof, is to be assessed upon private property, the Board shall investigate the same; and if it determine that such improvement is expedient, it shall so report to the Supervisors; and the Supervisors shall not order any such improvement until the same has been recommended by said Board. When the construction of any sewer or drain shall involve a cost of more than five dollars per lineal foot, for any block, it shall not be authorized except by an ordinance passed by the affirmative vote of not less than nine members of each Board. If an application is made for any work or improvement of which the cost and expense is to be paid by said city and county, and said Board shall not approve of such application, it shall report to the Supervisors its reasons for such disapproval, and the Supervisors may then, after having obtained from said Board an estimate of the cost and expense of said work or improvement, by ordinance passed by the affirmative vote of not less than nine members of each Board, order the doing of said work, or the making of said improvement.

Said Board may also, except as herein prohibited, recommend any improvement, the cost and expense of which is to be paid by said city and county, though no application may have been made therefor, and must make, with said recommendation to the Supervisors, an estimate of the expense, and in such case the Supervisors may order the same done.

When said Board shall recommend any work to be done on a street intersection or crossing, where the streets do not intersect each other at right angles, it shall in each such case determine what lots in the blocks adjacent to such intersection or crossing will be benefited by said work, and shall cause a map to be made on which shall be delineated the lots so to be benefited. Said map shall be transmitted to the Supervisors with said recommendation.

SEC. 5. Before recommending to the Supervisors the ordering of any work or improvement, the cost and expense of which, or any part thereof, is to be assessed upon private property, said Board shall pass a resolution of its intention to recommend the same, specifying the work to be recommended, and shall fix a day when it will take final action upon such resolution.

Upon the passage of said resolution, and within ten days thereafter, the Secretary of said Board shall, without any further authority, cause a copy of said resolution to be published for a period of ten days (legal holidays excepted), and cause a copy to be deposited in the Post Office at San Francisco, with postage prepaid, addressed to each person represented on the Assessment Book of said city and county for the next preceding fiscal year as being owner of land

liable to be assessed for said improvement; but if said lot stand on said Book in the name of unknown owners, such notice need not be sent.

Said Board shall also cause to be conspicuously posted along the line of said contemplated improvement, at points not more than one hundred feet in distance apart, notices, not less than three in all, of the passage of said resolution. Each of said notices shall be headed, "Notice of Street Work," in letters of not less than one inch in length, and shall in legible characters state the fact of the passage of said resolution, its date, and, briefly, the work or improvement proposed, and refer to the resolution for further particulars.

Said Board shall not include more than five blocks in any one resolution of intention.

SEC. 6. At any time within ten days after the first publication of said resolution of intention, the owner of, or any person interested in, any lot liable to be assessed for the proposed improvement, may file with the Secretary of said Board his objection to said improvement, stating briefly the grounds thereof; and if at any time within said period of ten days the owners of a majority of the frontage of the lands liable to be assessed for said improvement shall file written objections to the same, the Board shall not recommend the ordering of said improvement, and shall not within three months thereafter pass any resolution of its intention to recommend the same, unless prior thereto, it shall receive a petition therefor signed by the owners of a majority of the frontage of the lands liable to be assessed for said improvement.

Upon the day fixed in its resolution of intention for final action thereon, or at its next regular meeting, the Board shall consider and pass upon said objections. If the Board shall consider that the objections are sufficient it shall adopt a resolution to that effect, and shall not recommend the ordering of said improvement. If it shall consider that said objections are not sufficient, or if no objections are filed, the Board may recommend the ordering of said improvement, and must, with its recommendation, transmit to the Supervisors all objections to such recommendation that may have been filed.

At the next regular meeting after receiving from said Board its recommendation of such improvement, or at such time within thirty days thereafter to which the hearing thereof by either Board of Supervisors may be postponed, the Supervisors shall act upon such recommendation; and if any objections to the ordering of such improvement have been transmitted with said recommendation, they shall consider and dispose of said objections before passing upon said recommendation. If either Board shall consider

the objections or any of them sufficient, it shall so declare by resolution. If the Supervisors consider the objections insufficient, they may by ordinance order the work or improvement to be done. Their action on said recommendation must in each case be certified by the Clerk of the Supervisors to the Secretary of the Board of Public Works, and such Secretary shall thereupon enter the facts so certified in his records of street work.

SEC. 7. When the work under any contract shall have been completed, the contractor shall make and file in the office of said Board of Public Works an affidavit to the effect that he has not entered into any private agreement, verbal or written, with any person liable to be assessed for said work, or with any one on his behalf, to accept a price from him less than the price named in said contract, or to make any rebate or deduction to him from such price. Any such agreement shall be deemed a fraud upon all persons liable to be assessed for such work other than the property owners who were parties to the agreement, and shall operate to avoid, as to such persons so defrauded, any assessment made for the work done under such contract.

SEC. 8. When any work in or upon any public street shall have been completed according to contract, and the affidavit mentioned in the next preceding section shall have been made, said Board shall make an assessment to cover the sum due for the work performed and specified in said contract (including all incidental expenses), in conformity with the provisions of this Article, according to the nature and character of the work; which assessment shall briefly refer to the contract, the work contracted for and performed, and shall show the amount to be paid therefor, together with any incidental expenses, the rate per front foot assessed, the amount of each assessment, the name of the owner of each lot (if known to said Board, and if not known, the word "*unknown*" shall be written opposite the number of the lot and the amount assessed thereon); the number of each lot assessed, and shall have attached thereto a diagram exhibiting the street or street crossing on which the work has been done, and showing the relative location of each distinct lot to the work done, numbered to correspond with the numbers in the assessment, and showing the number of front feet assessed for said work. A mistake in the name of the owner shall not invalidate any assessment.

SEC. 9. After making said assessment said Board shall cause notice thereof to be published for five days and to be delivered to the occupant of each of the lots assessed, which notice shall state the day and hour when the Board will at its office take final action upon said assessment. If any of said lots are unoccupied, said notice shall be posted

in a conspicuous place upon said lot or lots, and in all cases a copy of said notice shall be sent by mail, with postage prepaid, addressed to the person in whose name the lot to be assessed stands upon the Assessment Book of said city and county for the next preceding fiscal year, at the Post Office at San Francisco; but if such lot stands upon said Book in the name of "unknown" owners, no such notice need be sent.

SEC. 10. At any time prior to the time fixed in said notice, any person interested may present in writing and file with the Board his objections to said assessment, stating briefly wherein he deems the same erroneous. At the time specified in said notice, or at some day to which the hearing shall then be adjourned, the Board shall consider said objections, and if it shall deem them well taken, it shall again assess such amount upon said lots and lards as it shall deem to be right, and shall again cause a notice of its assessment to be published and delivered, or posted, as is required in making an assessment in the first instance; and the same proceedings may be taken until the Board shall finally determine that said assessment is just and correct.

SEC. 11. If the owner of any lot affected by said assessment is dissatisfied with the final action of the Board as to said assessment, he may appeal to the Board of Aldermen at any time within five days after such final action, by filing with the Secretary of the Board of Public Works a notice of such appeal, and thereupon said Secretary shall, within two days after receiving notice of said appeal, transmit said assessment and diagram with said objections and notice of appeal to the Board of Aldermen, and said Board shall, at its next regular meeting, not less than ten days from the receipt thereof, consider and determine the sufficiency of said objections. If it shall determine that said objections are well taken, it shall direct the Board of Public Works to modify or change said assessment in the particulars wherein it is erroneous, and thereupon the like proceedings shall be had in making the assessment as in the first instance. If the Board of Aldermen shall determine that the objections to the assessment are not well taken, the Clerk of said Board shall certify such determination upon said assessment, and return said assessment so certified to the Board of Public Works, and thereupon said assessment shall become final and conclusive.

When said assessment shall have so become final and conclusive, it, together with the diagram of the lots assessed, shall be recorded in a Book of Assessments, to be kept in the office of the Board of Public Works for that purpose, and the record thereof shall thereupon be signed by the President and Secretary of said Board, and thereafter the

assessment shall be a lien upon the respective lots assessed until the same is canceled or discharged as provided in this Article.

SEC. 12. The expenses incurred for any work authorized by this Chapter, except for such portion of any street as is required by law to be kept in order or repair by any person, company or corporation having railroad tracks thereon, shall be assessed upon the lots and lands fronting thereon, except as herein otherwise specifically provided; each lot or portion of a lot being separately assessed, in proportion to its frontage, at a rate per front foot sufficient to cover the total expense of the work.

*Subdivision One*—The expense of work done on main street crossings, where the streets intersect each other at right angles, shall be assessed on the four quarter blocks adjoining and cornering upon the crossing, and each lot or part of lot in such quarter blocks fronting on such main street shall be separately assessed according to its proportion of frontage on the said main street.

*Subdivision Two*—The expense of work done on street intersections or crossings, when such intersections or crossings are not at right angles, shall be assessed upon an assessment district adjacent to such intersection or crossing, to be determined by the Board of Public Works, and delineated upon a map as aforesaid. Said assessment district shall not cover, on any street, more than one-half of the distance to any other main street crossing or intersection.

*Subdivision Three*—Where a main street terminates at a right angle in another main street, the expense of the work done on one-half of the width of the street opposite the termination shall be assessed upon the lots in each of the two quarter blocks adjoining and cornering on the same, according to the frontage of such lots on said main streets, and the expense of the work done on the other half of the width of said street, upon the lot or lots fronting such termination.

*Subdivision Four*—Where any small or subdivision street crosses a main street at right angles, the expense of all work done on said crossing shall be assessed on all the lots or portions of lots half way on said small streets to the next crossing or intersection, or to the end of such small or subdivision street, if it does not meet another.

*Subdivision Five*—The expense of work done on small or subdivision street crossings when such streets intersect each other at right angles, shall be assessed upon the lots fronting upon such small streets, on each side thereof in all directions half way to the next street on either side, respectively, or to the end of such street, if it does not meet another.

*Subdivision Six*—Where a small or subdivision street terminates at right angles in another street, the expense of the work done on one-half of the width of such street opposite the termination, shall be assessed upon the lots fronting on such small street so terminating according to their frontage thereon, half way on each side respectively, to the next street, or to the end of such street, if it does not meet another; and the expense of the work done on the other one-half of the width of said street upon the lot or lots fronting such termination.

*Subdivision Seven*—The expense of all other work, not herein specifically provided for, shall be assessed according to such rules and regulations as the Board of Public Works may have prescribed prior to the recommendation of said work.

*Subdivision Eight*—The owner of any lot or lands fronting upon any street, the width and grade of which have been legally established, may, at his own expense (after obtaining from the Board of Public Works permission so to do before said Board has passed its resolution of intention for grading said street), perform any grading upon said street to at least the center line thereof, to its grade as then established, and thereupon procure, at his own expense, a certificate from the City Engineer, setting forth the number of cubic yards of cutting and filling made by him in said grading, and that the same is done to the established grade of said street, and thereafter file said certificate with said Board, which certificate the Board shall record in a book kept for that purpose and properly indexed. When thereafter the Supervisors order the grading of said street, or any portion thereof, on which any grading, certificated as aforesaid, has been done, the said owner and his successors in interest shall be entitled to credit on the assessment upon his lots and lands fronting on said street for the grading thereof, to the amount of the cubic yards of cutting and filling set forth in his said certificate, at the prices named in the contract for said cutting and filling; or if the grade has meanwhile been changed, for so much of said certificated work as would be required for grading to the grade as changed. The Board shall include in the assessment for the whole of said grading the number of cubic yards of cutting and filling set forth in any and all certificates so recorded in its office, or if said grade has been changed, so much of said certificated work as would be required for grading thereto, and shall enter corresponding credits, deducting the same as payments made upon the amounts assessed against the lots and lands owned respectively by said certificated owner and his successors in interest.

SEC. 13. In making an assessment the Commissioners of Public Works shall act as a Board, and the assessment shall be authenticated by the signatures of all of said Commissioners as "Commissioners of the Board of Public Works;" and every assessment so authenticated and recorded in the Book of Assessments shall be *prima facie* evidence of the correctness and regularity of all proceedings of said Board and of the Supervisors prior to the date of such record.

SEC. 14. Upon the recording of an assessment as aforesaid, the President and Secretary of the Board of Public Works shall sign a warrant for its collection, and thereupon said assessment and diagram, with the warrant attached thereto, shall be delivered to the Tax Collector of said city and county for collection, who shall immediately give notice thereof by publication for ten days. Said notice shall set forth in general terms the locality and character of the work or improvement for which the assessment was made, and shall notify all persons interested that a warrant for its collection has been given to said Tax Collector, and that unless payment is made within thirty days from the first publication of said notice the property so assessed will be sold to satisfy said assessment.

SEC. 15. When the assessment upon any of the lots delineated on said diagram shall be paid, the Tax Collector shall write the word "Paid," together with the date of payment, opposite the number of said lot upon the assessment, and shall give to the person paying the same a receipt therefor, showing upon which lot said payment was made. Upon presentation of said receipt to the Secretary of the Board of Public Works, he shall immediately enter upon the record of such assessment the fact and date of such payment.

SEC. 16. After the expiration of thirty days from the first publication of said notice, the assessment therein named shall be delinquent, and within twenty days thereafter, the Tax Collector shall, after having published a notice for ten days, sell the lands upon which said assessments are delinquent. He shall add to the amount of the assessment on each lot its aliquot portion of the cost of advertising said sale. After making said sales the Tax Collector shall return the assessment and warrant, with a report of his doings indorsed thereon, to the office of the Board of Public Works, and the Secretary of said Board shall forthwith note in the record of said assessment, and opposite to the number of each lot sold, the fact of payment or of the sale of said lot by the Tax Collector, together with the date and the name of the purchaser.

Said report of the Tax Collector shall be *prima facie*

evidence of the correctness of all the proceedings taken by him in the matter of collecting said assessment.

SEC. 17. The General Revenue Laws of the State in force at the time of said sale in reference to the manner and place of sale of property for delinquent taxes, the execution of certificates of sale and deeds therefor, the force and effect of such certificates and deeds, and the provisions of said laws in relation to the redemption from tax sales, except as herein otherwise provided, shall be applicable to the proceedings for the sale of land for delinquent assessments.

SEC. 18. If, at said sale, no person shall bid the amount of said assessment with the aforesaid cost, the Tax Collector shall bid in the said lot for the amount of the assessment and cost in the name of the City and County of San Francisco, and upon his filing a certificate of said sale with the Treasurer, the Treasurer shall transfer the amount so bid from the General Fund to the Street Department Fund, and shall forthwith notify in writing the Auditor of such transfer.

All moneys received by the Tax Collector in payment of any of said assessments, shall be by him paid to the Treasurer, who shall place the same to the credit of the Street Department Fund.

SEC. 19. When said sale is completed, the contractor shall present his demand for the work done under his contract to the Board of Public Works, which shall act upon the same. If said Board approve said demand or any part thereof, the same must then be presented to the Supervisors and audited by the Auditor, and when so audited shall be paid by the Treasurer out of the Street Department Fund.

SEC. 20. The Board of Public Works may at any time, without any application therefor, recommend to the Supervisors to order the planking, paving or macadamizing of the portion of any street required by law to be planked, paved or macadamized by the person, company or corporation having railroad tracks thereon. Upon such recommendation the Supervisors may by ordinance order said work to be done, and direct said Board to notify said person, company, or corporation of the fact of the passage of such ordinance.

The Secretary of said Board shall thereupon forthwith in writing notify said person, company or corporation of the passage of said ordinance; and if said person, company or corporation shall not, within ten days after receiving said notice, commence in good faith to do said work and prosecute the same diligently to completion, said Board of Public Works shall invite sealed proposals for doing said work in the manner provided in this Article; and all of the provisions of this Article in regard to such proposals, to the awarding of contracts, to the execution of contracts, and to the doing of public work, shall apply to all similar proceed-

ings taken under this section. On the completion of the work to the satisfaction of said Board, the contractor shall be entitled to recover from such person, company or corporation the contract price for the cost and expense of said work, together with incidental expenses, in an action instituted in a Court of competent jurisdiction. On the trial of such action, the certificate of said Board of the completion of said work to its satisfaction shall be *prima facie* evidence of the regularity of all the proceedings prior thereto and of plaintiff's right to recover in said action.

SEC. 21. No ordinance for the improvement of any street, other than for sewers, sidewalks and curbs, except for the improvement of the streets constituting or lying along the water front of said city and county, and except for such work as is provided for in the next preceding section, shall be passed by the Supervisors without extending said improvement throughout the whole width of such street.

SEC. 22. Wherever in this Article the word "street" occurs, it shall be held to include all streets, lanes, alleys, places and courts which have been, or may be hereafter, dedicated and open to public use, and whose grade and width have been legally established; and the grade of all intermediate or intersecting streets in any one block shall be deemed to conform to the grades as established at the crossings of the main streets.

The word "improvement" shall be held to include grading, paving, planking, macadamizing, piling and capping; and the construction and repair of sewers, cess-pools, manholes, culverts, drains, sidewalks and curbs.

The term "main street" shall mean such street or streets as bound a block, and the term "street" shall include crossing.

The word "block" shall mean the blocks known or designated as such upon the maps and books of the Assessor.

The word "paved" shall include any pavement of stone, iron, wood or other material which the Supervisors may, by ordinance, order to be used; but no patented pavement shall be ordered during the existence of the patent therefor, until the owner of such patent shall have transferred to said city and county all right to the use of the same within said city and county, with the privilege to any person to manufacture and lay the same upon its streets, under any contract that may be awarded to him, or entered into by him, with said city and county.

The term "expense" shall include the price at which the contract was awarded, and the term "incidental expenses" shall include all expenses incurred in printing and advertising the work contracted for.

All notices and resolutions required in this Article to be published shall be published daily, legal holidays excepted in the official newspaper.

All notices herein required to be served, whether by delivery, mailing or posting, may be so served by any male citizen of the age of twenty-one years, and his affidavit thereof shall be *prima facie* evidence of such service. The affidavit by the publisher of the official newspaper, or his clerk, of the publication of any notice required in this Article to be published, shall be *prima facie* evidence of such publication.

SEC. 23. When the owners of all the lands, fronting upon any street, which is less than forty feet in width, for the entire distance of said street, or for the distance of one or more entire blocks, shall petition the Board of Public Works that the said street, or that portion thereof upon which said lands front, be closed, said Board may pass a resolution recommending that the same be closed. Before passing such resolution the Board shall cause a notice of the application to be published, and fix a time and place at which it will consider the same; and hear objections thereto, and upon such hearing shall determine whether it will recommend that the same be closed; and if it shall so determine, it shall transmit such recommendation to the Supervisors, and thereupon the Supervisors may pass an ordinance that the said street be closed; and the said street, shall, upon the passage of said ordinance, be, and be deemed to be closed, and shall not thereafter be, or be deemed to be, a public street, or subject to any public expense or improvement; and the land theretofore included within the roadway and sidewalks of said street shall thereafter be the property of said city and county. No such ordinance shall be passed until the said petitioners shall have paid all the expenses of said proceedings.

SEC. 24. In all cases where lands in said city and county shall be hereafter sub-divided and laid out into blocks or plats, sub-lots, streets and alleys, or when new streets or public grounds shall be laid out, opened, donated or granted to the public by any proprietor, the map or plat thereof shall be submitted to the Board of Public Works for its approval, and if the Board approve the same, such approval shall be by it indorsed upon the said map or plat, and said map with said approval shall then be filed in the office of the City and County Recorder; and without such approval indorsed thereon no such map or plat shall be filed in the office of said Recorder, or have any validity; nor shall any street, alley, or public ground hereafter opened and dedicated as such, become or be a public street or be subject to any public improvement or expense without such approval, indorsement and record. No street hereafter laid out shall be approved or become a public street unless the same shall be at least forty feet in width and two hundred feet distant from any parallel street.

SEC. 25. Said Board shall annually invite proposals for cleaning such of the streets of said city and county as said Board shall determine should be cleaned at the public expense. Before causing notice for such proposals to be published said Board shall divide the city and county into such number of districts as in its judgment will best induce competition for bids, and secure the cleaning of the streets at the lowest cost. The Secretary of said Board shall, under its direction, on the first Monday in May of each year, cause to be published for a period of ten days, a notice inviting proposals for cleaning each of the aforesaid districts specifying in said notice the streets of each district which are to be cleaned, the number of times a week that they are to be cleaned, and the amount of security to be given with each contract. Bids shall be made for each district separately. All the provisions of this Article in relation to the making and opening of bids, awarding of contracts and entering into and performance of contracts, shall be applicable to said contracts.

Said Board may also, with the consent of the Supervisors expressed by ordinance, purchase one or more machines for sweeping the streets, and may enter into contracts for sweeping the streets with said machines; and the Supervisors may, upon the request of said Board, authorize that prisoners who have been sentenced to labor upon public works, may be employed in sweeping said streets.

SEC. 26. Said Board shall cause to be made all urgent repairs upon the public streets that may from time to time be requisite for the public safety, and for that purpose may employ such laborers as may be necessary, and at such wages as may be from time to time fixed by the Supervisors; but when the cost and expense of the repairs upon any street or portion of a street shall exceed the sum of five hundred dollars, exclusive of materials to be furnished from the Corporation Store Yard, the same shall be done under contract awarded in the manner provided in this Article.

SEC. 27. Said Board shall, from time to time, after it shall have been directed so to do by the Supervisors by ordinance, invite proposals for supplying to said city and county such materials as may be required for the repair of the public streets or for any improvement thereof, and such proceedings shall be had in awarding the contracts therefor, as are in this Article provided for awarding other contracts.

SEC. 28. The Supervisors shall select some place in said city and county, which shall be known as the Corporation Store Yard, wherein shall be kept all supplies, material, implements and machines belonging to said City and County,

to be used in repairing or cleaning the streets or for any improvement thereon. Said Board shall appoint a Storekeeper for said Corporation Store Yard, who shall hold his office during its pleasure. He shall have the custody of the Corporation Store Yard and of all the supplies, material and implements therein, and shall keep books of account in which shall be kept a systematic account of all purchases, and of the receipt of supplies and material under any contracts awarded under the provisions of the preceding section, and of the delivery thereof, which books shall at all times show the amount of said material and supplies on hand and in store, and when, to whom, and for what purpose each article was delivered. He shall be responsible for all material and supplies placed in said Store Yard, and shall not deliver any article except upon the written order or requisition of the President and Secretary of the Board of Public Works, and he shall take the written receipt, indorsed upon said order, of each person to whom any delivery is made, specifying the date of such delivery and the amount and kind of material and supplies delivered. For any deficiency in his accounts or for the delivery of any article without such order or requisition and receipt, he shall be liable upon his official bond. All cobble stones, or stone blocks or other material with which any street or portion of a street may have been paved or planked shall, if at any time removed from said street, be taken to said Corporation Store Yard, and there kept, accounted for and disposed of by the Storekeeper in the same manner as other supplies.

### CHAPTER III.

#### OF THE OPENING OF NEW STREETS.

SECTION 1. When an application shall be made to the Board of Public Works for the straightening, widening or extending of any street, or for the laying out, establishing or opening of a new street, signed by the owners of a majority of the frontage of the lands upon the line of said street, or proposed street, and such improvement requires the condemnation of private property, and the Board shall by resolution determine that the improvement would be of public benefit, it shall make an estimate of the cost and expense of such improvement, and determine by resolution the district which will be affected by, and should be assessed for, the cost and expense of such improvement. No proceedings shall be had upon the filing of such petition until after the persons signing the same shall

have deposited with the Secretary of the Board an amount of money which, as may be determined by said Board, will be sufficient to defray all the cost and expense that may be incurred in case the Supervisors shall not pass an ordinance for said improvement.

SEC. 2. If within three months after the passage of the resolution determining such district, a majority of the owners of the land within said district who shall also be the owners of two-thirds of the superficial square feet of the property included within said district, and of three-fourths in value of said property—including improvements thereon—estimating said value according to the last preceding Assessment Book of said city and county, shall present to said Board a petition for said improvement, verified by their oaths and describing the lands of which they are the owners, and showing the amount at which the same was assessed upon the last preceding Assessment Book of said city and county, and stating that they are the owners and in possession of the lands named in said petition, the said Board shall pass a resolution of its intention to recommend said improvement to the Supervisors, and shall in such resolution specify a day upon which it will hear any objections that may be made to said improvement.

Before passing such resolution of intention, said Board shall cause to be prepared a map or diagram of the district affected by and to be assessed for the cost and expense of said improvement, upon which shall be delineated the several lots of land upon which said assessment is to be levied, and also the lots of land which are to be taken for said improvement, and showing the name of the person to whom the said lots were assessed upon the last Assessment Book of said city and county, together with the amounts of such assessments.

SEC. 3. The Secretary of said Board shall thereupon cause said resolution of intention to be published for a period of thirty days, non-judicial days excepted; and shall also cause a copy of said resolution to be deposited, postage prepaid, in the Post Office at said city and county, addressed to each person whose name is delineated upon said map, at least ten days before the day named for hearing objections thereto.

SEC. 4. At any time before the day fixed in such resolution for hearing objections to said improvement, any person interested therein may file with the Secretary of said Board his objections thereto, briefly stating the grounds thereof and the nature of his interest; and upon the day fixed for hearing the same, or some day to which the hearing thereof shall then be postponed, said Board shall proceed to hear

and determine the sufficiency of any objections which may have been filed.

SEC. 5. If said Board shall determine that such objections are sufficient to prevent a recommendation of the improvement, it shall pass a resolution to that effect, and no further proceedings shall be had under said petition. If no objections have been filed, or if the Board shall determine that the objections filed are insufficient, it may pass a resolution recommending to the Supervisors said improvement, and in its recommendation shall specially report to the Supervisors whether in its opinion the land within the district specified as affected by said improvement will be benefited to the extent of the cost and expense of said improvement.

SEC. 6. If said Board shall pass a resolution recommending said improvement, the Secretary shall forthwith transmit to the Clerk of the Supervisors a copy of said resolution, together with the petition, map, estimate of the cost and expense of said improvement, and any objections that may have been filed; and the Supervisors shall at their first regular meeting thereafter, or at such sessions of either Board thereof to which said hearing may be adjourned, pass upon said recommendation, and may, by resolution, adopt or reject the same. If said recommendation is rejected, no further action shall be had thereon or upon said petition. If the Supervisors shall adopt said recommendation, they shall within thirty days thereafter pass an ordinance providing for said improvement, and may in said ordinance prescribe such rules for the conduct of the Board of Public Works, respecting the assessment and valuation to be made by said Board, and providing for the condemnation of said lands, and the collection of said assessment, in addition to, and not inconsistent with, the rules herein prescribed, as to said Supervisors shall seem expedient. Upon the passage of said ordinance, the Clerk of the Supervisors shall transmit a certified copy thereof to the Board of Public Works.

SEC. 7 Upon the receipt by said Board of a certified copy of said ordinance, it shall cause to be made an accurate survey of the contemplated improvement, and a map thereof, upon which shall be delineated each and every lot of land to be taken or appropriated for the purposes of the intended improvement, showing its extent in feet and inches, and also each and every lot of land within the district determined to be affected by, and which is to be assessed for, the cost and expense of said improvement. After said survey and map are made, the Board shall pass a resolution fixing a day on or after which it

will proceed to value the several lots of land to be taken for the purpose of the intended improvement, and ascertain and determine the damages and benefits which may result therefrom.

The Secretary of the Board shall cause said resolution to be published for a period of ten days before the day fixed in said resolution for proceeding to make said valuation.

In estimating the damage to any lot by reason of any portion of said lot having been taken for public use, as herein provided, the measure of damage to said lot shall be the difference at the time of said appropriation between the value of said lot in its entirety and its value as reduced in size by the appropriation of a part thereof to said public use.

The cost and expense of the improvement shall include the value of the land taken, with the improvements, if any, thereon, and the expense of the proceedings for its appropriation or condemnation.

SEC. 8. On the day named in said notice and upon such other days as the matter may be continued to, from time to time, said Board shall proceed to value the several parcels of land necessary to be taken for the purpose of the intended improvement. The said value shall be ascertained as of the time of said inquiry, independently of any appreciation or depreciation that may be caused to the same by reason of such intended improvement, and the Board shall fix said valuation as the amount to be given to the owners therefor. The Board shall also assess the benefits and damages which may result from the contemplated improvement to the lands within said district, and shall distribute the total value of all the lands and improvements taken, together with the damages, if any, caused by said improvement to the adjacent lands, and the estimated cost and expense of said improvement, in the form of an assessment upon each and every lot of land within the district determined to be affected by said improvement in proportion to the benefits which said Board shall determine will be received by said lots and lands.

SEC. 9. Before proceeding to make such valuation and assessment, the Commissioners of the Board of Public Works shall each take and subscribe an oath before one of the Judges of the Superior Court of said city and county that he has no interest in any of the land to be taken or assessed for the proposed improvement. The meetings of the Board, when engaged in making said valuation and assessment, shall be public, and held at the office of the Board, and all persons interested in any such valuation and assessment shall have the right to be present and be heard in person or by counsel. All persons claiming

any interest in the lands to be taken for said improvement, or that will be damaged thereby, are required at or during such hearing, to file with the Board, plats, and a description of their respective lots of land.

SEC. 10. In making said assessment and valuation the Commissioners shall act as a Board, and said assessment and valuation shall be authenticated by the signatures of said Commissioners as "Commissioners of the Board of Public Works;" and every assessment and valuation so authenticated and recorded in the Book of Assessments for Condemnation shall be *prima facie* evidence of the correctness and regularity of all the proceedings of said Board and of the Supervisors prior to the date of such record.

SEC. 11. In determining the valuation of the property which is taken for said improvement, the Board shall, in its report, set forth, under appropriate headings, a brief description of each lot thereof, the amount allowed for the same, the name of the owner of each lot, when known, (and if unknown, that fact shall be stated), and the name of any claimant thereto, or to any interest therein; and in making the assessment for the cost and expense of said improvement, the Board shall set forth in the assessment, under appropriate headings, a brief description of each lot assessed, the amount assessed against the same, the person to whom said property was assessed upon the next preceding Assessment Book of said city and county, the owner thereof, if known (and if unknown, that fact shall be stated), and the total amount of the cost and expense of said improvement.

SEC. 12. Upon the completion of said valuation and assessment, the Board shall cause to be published for ten days a notice of the completion of said assessment and valuation, notifying all parties interested therein to examine the same; and for that purpose said assessment, valuation and maps shall be open and exhibited to public inspection at the office of the Board for thirty days after the first publication of said notice. During said period of thirty days, but not thereafter, the Board may alter, change or modify said assessment in any respect. Upon the expiration of said thirty days, it shall complete the same in the form of a report and schedule, embracing the value of the lands taken and the assessment of said value, together with the cost and expense of the improvement, as hereinbefore provided, upon the several lots of land embraced within the aforesaid district. Said report and schedule shall, within sixty days after the first publication of the last mentioned notice, be filed in the office of the County Clerk, together with a petition signed by the President of said Board, to the Superior Court, praying

for a judgment of said Court confirming the assessment contained therein against the respective lots therein described as assessed, and for the condemnation and conveyance to said city and county, upon the payment of the value thereof, as ascertained by said report, of each of the lots of land alleged in said petition to be necessary to be taken for said improvement.

SEC. 13. On filing such petition, and upon application to said Court, the Presiding Judge thereof shall appoint some day, not less than ten nor more than thirty days thereafter, as the time when any objections to the confirmation of said report will be heard by said Court. The Clerk of said Court shall thereupon cause to be published for ten days, in three daily newspapers of general circulation published in said city and county, one of which shall be the official newspaper, and the others of which shall be designated by said Judge, a notice of the filing of said report and of the day assigned for the hearing of any objections that may be made thereto. Any party interested therein may at any time before the day assigned for the hearing thereof, file in said Court his objections in writing, to the confirmation of the same, specifying his objections; and all objections not specified shall be deemed waived. Upon the day fixed in said order, said Court shall proceed to the hearing of any objections that may have been filed to the confirmation of said report. Upon proof of publication of said notice said Court shall have and take jurisdiction of said report, and of the subject matter thereof, as a special proceeding, and upon said day, and at any other time or times to which said hearing may be adjourned, may hear the allegations of the parties and proofs adduced in support of the same, and may confirm said report, or change, alter or modify the same, or cause the same to be changed, altered or modified by said Board. Said judgment of confirmation shall be a lien upon each lot of land described in such report for the amount assessed against the same, and shall provide for the conveyance to said city and county of each and every of the lots of land declared necessary for the purpose of said improvement, upon the payment of the value thereof as fixed by such judgment.

SEC. 14. Any person who has filed objections to the confirmation of said report may appeal from said judgment to the Supreme Court at any time within thirty days after the entry of such judgment. The amount of the undertaking on such appeal shall be fixed by said Presiding Judge and such undertaking shall be made payable to the City and County of San Francisco. For the purposes of such appeal, the judgment roll of the proceedings in the

Superior Court shall consist of the report, objections, judgment and bill of exceptions, or so much thereof as may be necessary to determine said appeal, and said appeal shall be heard by said Supreme Court on questions of law only. If said judgment be reversed or modified, the Superior Court shall take such proceedings as will cause said assessment and valuation to be made in accordance with the opinion of the Supreme Court. The City Attorney shall act as the attorney for the Board of Public Works in proceedings under this Chapter.

SEC. 15. After the confirmation of said report, if the time for appealing has expired or if an appeal has been taken and the judgment appealed from has been affirmed, upon the application of the Board of Public Works the Clerk of the Superior Court shall issue a certificate to that effect to said Board; and said assessment shall then be recorded in the Book of Assessments for Condemnation kept for that purpose, and the record thereof signed by the President and Secretary of said Board; and the Secretary shall then deliver to the Tax Collector the assessment so confirmed and recorded, together with said certificate of said Clerk, and a warrant to the Tax Collector directing him to collect the said assessment; and thereupon such proceedings shall be had in the collection of said assessment as are hereinbefore provided for the collection of assessments upon property for the improvement of streets.

SEC. 16. Upon the report of the Tax Collector to the Supervisors that the amount of said assessment has been collected and paid into the Treasury, the Supervisors shall order to be paid out of the Treasury the sums fixed in said judgment as the compensation for the lands to be taken for said improvement; and upon the delivery to the Treasurer, by any person entitled to receive compensation for any lot of land so taken, of a conveyance of said lot of land to the city and county, approved by the City Attorney, and a certificate from said City Attorney that such person is entitled to the compensation for the lands described in said conveyance, the Treasurer shall pay to said person the amount awarded for said lot by said judgment of condemnation, after the demand therefor has been audited by the Auditor.

SEC. 17. If the owner of any of said lots or sub-divisions neglect or refuse for ten days, to make and deliver such conveyance, or is unable by reason of incapacity to make a good and sufficient conveyance thereof to said city and county, or if the City Attorney shall certify that the title to any of said lots is in dispute

or uncertain, or that there are conflicting claimants to the amount awarded as compensation therefor, or to any part thereof, a warrant upon the Treasury for the payment of the amount so awarded shall be by order of the Supervisors drawn by the President and Secretary of the Board of Public Works, and, together with a certificate of the Treasurer indorsed thereon that the said warrant has been registered by him and that there are funds in the Treasury set apart to pay the same, be deposited with the County Clerk, and thereupon, upon a petition to said Presiding Judge by the President of the said Board, setting forth said facts, said Judge shall issue an order *ex parte* directing the Sheriff to place said Board in the possession of the said land.

SEC. 18. At any time thereafter any claimant to said award, or any part thereof, may file his petition in said Superior Court against all parties in interest for an adjudication of all conflicting claims to the same, or for an order that the same be paid to him, and thereupon such proceedings shall be had thereon as may be agreeable to law and equity. Upon entry of final judgment in such proceeding, the County Clerk shall, after said demand has been audited by the Auditor, collect the warrant and pay the proceeds to the person or persons named in said judgment as entitled thereto. It shall be provided in said judgment that before receiving the proceeds of said warrant, said party or some one authorized in his behalf, shall make and execute to said city and county and deliver to the County Clerk a sufficient conveyance of said lot of land.

SEC. 19. Immediately after taking possession of the land required for said street, said Board shall report that fact to the Supervisors.

SEC. 20. If any member of said Board be interested in any of the land to be taken or assessed for such improvement, the Mayor shall appoint, for the purpose of making the said assessment and valuation only, some competent person to act as one of the Commissioners therefor, who shall possess the same qualifications as are provided for said Commissioners, and who before entering upon his duties, shall take the oath of office required of said Commissioners, and enter into a bond for such amount as may be fixed by the Supervisors.

## CHAPTER IV.

### OF SEWERS AND DRAINAGE.

SECTION 1. The Board of Public Works shall devise a general system of drainage which shall embrace all matters

relative to the thorough, systematic and effectual drainage of said city and county, and shall from time to time make to the Supervisors such recommendations upon the subject of sewerage and drainage as it may deem proper.

SEC. 2. Said Board shall prescribe the location, form and material to be used in the construction, reconstruction and repairing of all public sewers, manholes, sinks, drains, cesspools, and other appurtenances belonging to the drainage system, and of every private drain or sewer emptying into a public sewer, and determine the place and manner of the connection.

SEC. 3. Said Board shall recommend to the Supervisors rules and regulations concerning the public and private sewers and drains in said city and county, and upon recommendation of said Board, the Supervisors are authorized to pass an ordinance establishing the same and prescribing the penalties for any violation thereof.

SEC. 4. No person shall connect with, or open or penetrate any public sewer or drain without first obtaining a permit in writing from said Board, and complying with the rules and regulations of said Board in reference thereto.

SEC. 5. Said Board may also recommend to the Supervisors the construction of such canals, sewers, tunnels, ditches, drains, embankments, reservoirs, pumping works, machinery and other works necessary for the proper and effectual drainage of said city and county, together with plans for connecting the same with sewers and private drains already constructed or thereafter to be constructed.

SEC. 6. The Supervisors may, upon the recommendation of said Board, by ordinance passed by the affirmative vote of not less than nine members of each Board, authorize the purchase of any personal property or the acquisition by purchase or condemnation of any real estate which may be necessary for the construction of any sewer or the making of any improvement provided for in this chapter. The title to all real estate purchased shall be taken in the name of said city and county.

SEC. 7. Said Board may, with the like approval of the Supervisors, agree with the owners of any real estate, upon which it is deemed desirable to construct any sewer or other improvement relative to sewerage or drainage, upon the amount of damage to be paid to such owners for the purpose of such improvement and for the perpetual use of said real estate for such purpose.

SEC. 8. Said Board may, when authorized by ordinance passed by the affirmative vote of not less than nine members of each Board of Supervisors, construct such sewers, reservoirs and pumping works on lands and male

lands fronting on the Bay of San Francisco, and controlled by the Board of State Harbor Commissioners, as may be necessary to carry out the general system of sewerage for said city and county.

SEC. 9. When, upon the recommendation of said Board of Public Works, the Supervisors shall determine upon any improvement for the purpose of sewerage and drainage which necessitates the acquisition or condemnation of private property, and said Board is unable to agree with the owner thereof upon the amount of compensation or damages to be paid therefor, or when such owner is in any way incapable of making any agreement in reference thereto, and in all cases in which said Board shall deem it most expedient, it shall, when authorized by the Supervisors expressed by ordinance, have the right to cause said property to be condemned, and to institute proceedings for the condemnation of such property, or for the ascertainment of such damages in the manner, so far as the same is applicable, which is provided in this Article for the condemnation of real estate when necessary for the opening of any new street.

## CHAPTER V.

### OF THE NEW CITY HALL.

SECTION 1. The Board of Public Works shall, immediately upon its organization, take charge of the land bounded by Larkin Street, McAllister Street and Park Avenue, and the improvements thereon, and as soon as practicable thereafter, proceed with the construction of the buildings and improvements on said land, known as the New City Hall.

SEC. 2. The Secretary of said Board shall keep a record of its proceedings respecting the construction of the New City Hall, and said record shall be kept distinct from the general records of said Board. Said Secretary shall keep an account of said construction, and an account of the receipts and disbursements; and shall keep an account with each contractor and employee for any work done or material furnished for said construction.

SEC. 3. Said Board shall, by resolution, fix a day in each week for its regular meeting for the purpose of transacting business for the New City Hall, on which all its transactions in reference thereto shall be had.

SEC. 4. Said Board may allow demands of the contractors, from time to time, as work progresses or materials are furnished, but until the contract is completed such demands allowed thereon shall not exceed seventy-five per centum of the value of the labor or material furnished, which

said value shall be ascertained and determined by the certificate of the Architect and Superintendent, subject to the approval of said Board.

SEC. 5. When said New City Hall is completed, said Board shall render to the Supervisors a full and final account of its transactions in reference to said New City Hall, and thereupon the duties of said Board in reference to the construction of the said New City Hall shall cease.

## CHAPTER VI.

### OF THE PARK COMMISSIONERS.

SECTION 1. The lands designated upon the map of the Outside Lands of said city and county, made in pursuance of Order number Eight Hundred, by the word "Park," to-wit, extending from Stanyan Street on the east to the Pacific Ocean, and known as Golden Gate Park; and also the land fronting on Haight Street, designated upon said map by the word "Park," and known as "Buena Vista Park;" and also the land designated upon said map by the word "Avenue," extending from Baker Street westward until it crosses Stanyan Street; and also that certain highway bounded on the west by the Pacific Ocean, and designated upon said map as "Great Highway;" and also all other parks, squares, plazas and public grounds in said city and county, shall be under the exclusive control and management of a Board of three Commissioners, who shall be styled Park Commissioners.

SEC. 2. Said Commissioners shall be the successors in office of the Park Commissioners holding office at the time this Charter shall go into effect by virtue of appointment under the provisions of an Act of the Legislature of the State of California, approved April 4, 1870, entitled "An Act to provide for the Improvement of Public Parks in the City of San Francisco."

SEC. 3. Said Commissioners shall be appointed by the Mayor, and shall hold office for four years. Those first appointed under this Charter shall immediately upon their appointment so classify themselves by lot that the term of office of one of said Commissioners shall expire at the expiration of two years, one at the expiration of three years, and one at the expiration of four years, from the date of their appointment.

SEC. 4. Said Commissioners shall organize as a Board by electing one of their number President, and may elect a Secretary who is not a member of the Board. The person so elected President shall hold his office for one year and until his successor is elected.

Said Commissioners shall receive no compensation. Two of said Commissioners shall constitute a quorum for the transaction of business, but no contract shall be entered into authorizing the expenditure of money without the approval of all of said Commissioners.

SEC. 5. Said Board shall have power:

1. To govern and manage the public grounds designated in Section 1 of this Chapter; to lay out, regulate and improve the same; to appoint such engineers, surveyors and employees as may be necessary; to prescribe and define their respective duties and authority, and fix their compensation.

2. To pass, from time to time, such ordinances and regulations as it may deem necessary for the regulation, use and government of said public grounds, not inconsistent with the laws of the State, and prescribe penalties for their violation. Every such ordinance shall, before it takes effect, be published for ten days (legal holidays excepted). All existing ordinances and regulations heretofore passed by the Park Commissioners created by Act of April 4, 1870, shall continue to be of full force until repealed or modified.

3. To appoint and maintain out of the moneys intrusted to its management, as many Park Police for said public grounds as it may deem requisite for the purpose of enforcing its ordinances and regulations, and to provide a place of detention within either of said public grounds in which the persons arrested for violating any of said ordinances or regulations may be detained temporarily, or until the Park Police can deliver the person arrested to the Municipal Police.

4. To disburse the moneys appropriated by the Supervisors or received from any source for the purpose of managing and improving said public grounds.

SEC. 6. Said Park Police shall have authority to arrest, and hold to such bail as in the ordinance or regulation may be fixed as the maximum penalty for the violation thereof, or as may be prescribed by regulation by said Park Commissioners, any person found in the act of violating any ordinance or regulation of said Park Commissioners or of said city and county.

SEC. 7. Said Board shall have exclusive control and disposition of the moneys provided for the management and improvement of said public grounds.

SEC. 8. No money shall be paid out of the Treasury for any salary or expenditure incurred in the management or improvement of said public grounds, unless the same shall have been previously allowed by at least two of said Commissioners, and such allowance be indorsed upon the face

of the demand, and specify the purpose for which said expenditure was made. The pay roll of the employees and laborers employed in and about said public grounds shall be prepared weekly; and upon the allowance thereof by two of said Commissioners indorsed thereon, the amount of said pay-roll, after having been audited by the Auditor, shall be paid by the Treasurer to the said Commissioners, who shall disburse said amounts to said laborers and employees.

## CHAPTER VII.

### OF HARBORS AND WHARVES.

SECTION 1. All the wharves, water front and Harbor of San Francisco which now or may hereafter belong to said City and County, or over which it may at any time lawfully exercise jurisdiction and control, shall be under the management and control of the Supervisors. All said wharves shall be built and repaired by the Board of Public Works, after proceedings had as provided in this Article for the improvement or repair of public buildings.

SEC. 2. The Supervisors shall by ordinance fix and regulate the tolls for wharfage and dockage and other charges, except where the wharves are under the jurisdiction of the Board of State Harbor Commissioners, and shall provide for the collection of the same; or may provide that no charges, tolls, dockage or wharfage be imposed or collected. The Supervisors shall not have power to dispose of any wharf, but they may lease any wharf for a term not exceeding two years.

## ARTICLE VI.

### Legal Department.

#### CHAPTER I.

##### OF THE CITY ATTORNEY.

SECTION 1. The Mayor shall appoint an attorney and counselor who shall be styled City Attorney and who shall hold office during the pleasure of the Mayor. He must be an attorney of the Supreme Court of this State, and must have been in the active practice of his profession for at least ten years, five of which, next preceding his appointment, must have been in this city and county.

SEC. 2. He shall bring and prosecute all actions at law and in equity, and all special proceedings, which may be directed by the Mayor, the Supervisors, or any Department

or Board, and shall defend all actions and proceedings to which the City and County, or any Officer, Board or Department thereof, is a party, and all other actions and proceedings in which the rights or interests of the City and County are involved. He shall give legal advice, in writing, to the Supervisors, and to all Boards and Departments when requested by them in writing, and to any Officer when directed by the Mayor or the Supervisors. He shall commence and prosecute all actions for the recovery of delinquent taxes, and perform such other duties pertaining to his office as the Supervisors may prescribe.

SEC. 3. He shall keep bound books of record and registry and of briefs and transcripts used in causes wherein he appears; and shall keep a register of all actions, suits and proceedings in his charge, in which the City and County is interested, and all official written communications by him to any Officer, Board or Department, and all opinions given by him.

SEC. 4. He may appoint one assistant, and one chief clerk, each of whom must be an attorney of the Supreme Court of this State, and such other employees as may be authorized by the Supervisors.

## CHAPTER II.

### OF THE DISTRICT ATTORNEY.

SECTION 1. The District Attorney is the public prosecutor. He must be an attorney of the Supreme Court of this State, and have been in the active practice of his profession for at least ten years, five of which, next preceding his election, must have been in this City and County.

SEC. 2. He shall attend all Courts in said city and county, and conduct all prosecutions for public offenses. He must commence actions on all forfeited bail bonds within thirty days after they are declared forfeited, and diligently prosecute the same. No action on a forfeited bail bond shall be compromised. In all actions to recover on bail bonds, the District Attorney, when any property is exposed for sale, may bid, and, if necessary, purchase said property for and in the name of said City and County, at a price not exceeding the amount of the judgment recovered on such bond. He shall perform such other duties as are or may be prescribed by law.

SEC. 3. He may appoint five Assistant District Attorneys, each of whom must be an attorney of the Supreme Court of this State, and have been in the active practice of his profession at least five years next preceding his appointment. They shall assist the District Attorney in the performance of his official duties, and at least two of them

shall, under his direction, act as prosecuting attorneys in the Police Court. He may appoint such other assistants and clerks and employees as may be authorized by the Supervisors.

SEC. 4. When the District Attorney shall have been credibly informed that any person, criminally injured by another, is likely to die, he shall take the dying statement of such person and immediately reduce the same to writing.

### CHAPTER III.

#### OF THE PUBLIC ADMINISTRATOR.

SECTION 1. The Public Administrator shall hold office for two years. He shall administer upon all estates on which the Public Administrator is by law entitled to administer, and perform all duties prescribed by law for Public Administrators.

SEC. 2. He shall not employ counsel at the expense of any estate unless the Court, upon a verified petition setting forth the facts and reasons why it is necessary that he should have the assistance of counsel, and after such notice as the Court may direct, shall by an order allow him to employ such counsel. The compensation of such counsel shall be fixed by the Court and paid out of such estate.

SEC. 3. All fees, commissions and emoluments allowed by law to the Public Administrator, shall be by him collected and paid immediately into the Treasury, and he shall render a sworn statement thereof, at the end of each calendar month, to the Auditor. He shall receive a salary in lieu of all commissions and emoluments.

### CHAPTER IV.

#### OF THE COUNTY CLERK.

SECTION 1. The County Clerk shall perform such duties as may be by law imposed on County Clerks and shall also be the Clerk of the Justices' Court and of the Police Court.

SEC. 2. He shall take charge of, and safely keep all books, papers and records filed or deposited in his office, or which pertain to the Courts of which he is Clerk; and he shall not allow any papers, files or records to leave his custody, except when required by a Judge in said city and county, or a Court, to be used by him or in it, or by a Referee. When any of said papers or records are required in any of the Courts within said city and county, or before a Referee therein, he shall, without charge, produce the same, under subpoena or order of the Court.

SEC. 3. On the commencement in, or removal to, the Superior Court of any civil action or proceeding, he shall collect from the plaintiff or party instituting the proceeding, the sum of one dollar, for the benefit of the San Francisco Law Library.

SEC. 4. He may appoint one Chief Deputy, forty deputy clerks and twelve copyists, to perform such duties as may be assigned them by him.

SEC. 5. For copies of papers furnished and certified by him, he shall charge not more than ten cents for each one hundred words. For certifying copies, which are not prepared by him, he shall be entitled to charge fifty cents, and also one dollar an hour for the time exceeding one hour necessarily occupied in comparing such copies. He must certify all papers presented to him which are copies of any document, paper or record, or portions thereof in his custody.

## CHAPTER V.

### OF THE JUSTICES' COURT.

SECTION 1. There shall be elected five Justices of the Peace, who shall hold office for two years, and shall be the Justices' Court for said city and county. Any of said Justices may hold Court, and there may be as many sessions of said Court at the same time as there are Justices thereof. Said Justices shall choose one of their number to be Presiding Justice, who may be removed and another appointed in his place by a vote of a majority of them. In the temporary absence or disability of the Presiding Justice, any other Justice, designated by the Presiding Justice, may act in his place during such absence or disability. Such Court shall be always open, non-judicial days excepted.

SEC. 2. The Justices' Court and the Justices thereof shall have the powers and jurisdiction in civil causes which may be conferred by law upon Justices of the Peace and Justices' Courts in said city and county. They shall not have jurisdiction to try or decide any public offenses whereof the Police Court of said city and county has jurisdiction. Until otherwise provided by law, the provisions of Articles I and III, Chapter V, of Title 1, Part One of the Code of Civil Procedure, excepting Sections 85, 86, 97, 98, 111 and 115 thereof, as the same are contained in an Act of the Legislature, entitled "An Act to amend Part One of the Code of Civil Procedure, and each and every Title, Chapter, Article and Section of said Part One, and substituting a new Part One to take the place thereof in said Code relating to Courts of Justice and various officers connected therewith," approved April 1, 1880, are hereby made applicable to the Justices' Courts and the

Justices thereof, of said city and county, in like manner and to the same extent as if the same had been at length incorporated in and made part of this Charter.

SEC. 3. All records, registers, dockets, books, papers, causes, actions, judgments and proceedings lodged, deposited, or pending before the Justices' Court of said city and county, are transferred to the Justices' Court herein provided for, which Court and the Justices thereof shall have the same power and jurisdiction over them as if they had been in the first instance lodged, deposited, filed or commenced therein.

## CHAPTER VI.

### OF THE POLICE COURT.

SECTION 1. There is hereby established for said City and County a Police Court. Said Court shall have a seal, but shall not be a Court of Record. The Police Judges may hold as many sessions of said Court at the same time as there are Judges thereof. There shall be two Departments of said Court denominated respectively, Department One and Department Two. The Court may sit in Departments, and shall be always open for transaction of business. There shall be, as far as practicable, an equal distribution of cases between said Departments, which cases shall be alternately assigned by the Clerk for trial to each Department in the order in which the warrants are issued or proceedings brought before said Court. All the power and jurisdiction of said Court may be exercised in either Department thereof; and all the powers of said Judges may be exercised by either of them.

SEC. 2. The Governor of the State shall appoint a Judge for each Department of said Police Court, who shall hold office for two years. Each of said Judges shall be designated Police Judge.

SEC. 3. Said Court shall have jurisdiction:

1. Of an action, proceeding or prosecution for the violation of any ordinance of said City and County.

2. Of proceedings respecting vagrants and disorderly persons.

3. Petit larceny; receiving stolen property, when the amount involved does not exceed fifty dollars.

4. Assault, and battery, not charged to have been committed upon a public officer in the discharge of his duties or with intent to kill.

5. Breaches of the peace, riots, affrays, committing wilful injury to property, and of all misdemeanors punishable by a fine not exceeding one thousand dollars, or by

imprisonment not exceeding one year, or by both such fine and imprisonment.

6. Proceedings for security to keep the peace.

7. In other criminal actions, cases, prosecutions and proceedings as are now or hereafter may be conferred by law upon Police or Justices' Courts.

SEC. 5. Said Court shall have power to hear cases on preliminary examination; and may commit and hold the offender to bail for trial in the Superior Court, and may try, condemn or acquit, and carry its judgment into execution, as the case may require, and shall have power to issue warrants of arrest, subpoenas, and all other process necessary to the full and proper exercise of its power and jurisdiction.

SEC. 6. Said Court shall also have power to commit to the Home for the Care of Inebriates any person who may be convicted before it of habitual intemperance, for a term not exceeding six months, or until sooner released by order of one of the Police Judges or by the Board of Managers of such institution by a two-thirds vote of all the members of said Board.

SEC. 7. Said Court shall have power, upon application of the Mayor or any Supervisor, or of any three citizens, charging that any child over six and under sixteen years of age leads a vagrant or dissolute life, or has been abandoned or grossly neglected by its parents, to examine the matter, and upon being satisfied of the truth of such charges, to send such child to the School of Industry.

SEC. 8. When, for any offense, said Court is authorized to impose a fine, or imprisonment in the County Jail or State Prison, or both such fine and imprisonment, and the offender is under the age of twenty-one years and convicted of crime for the first time, it may sentence said offender to imprisonment in the House of Correction, provided the term for which he or she is sentenced is not less than three months or more than three years.

SEC. 9. Said Court may punish for contempt in the same manner and to the same extent as Superior Courts, and the laws concerning contempts applicable to Superior Courts shall be applicable to said Police Court.

SEC. 10. The County Clerk shall keep a record of the proceedings of the Police Court, issue all process ordered by said Court, and render to and file with the Auditor, monthly, and before any amount can be paid to him on account of his salary, an exact and detailed account, upon oath, of all fines imposed, and all bail forfeited, and moneys collected as Clerk of said Court. He shall prepare bonds, justify and accept bail, when the amount has been fixed by the Court, or a Judge thereof, in cases not exceeding one thousand

dollars, and he shall fix, justify and accept bail after arrest, in the absence of the Police Judges, in all cases not amounting to a felony, in the same manner and with like effect as if the same had been fixed by a Police Judge or the Police Court.

SEC. 11. The Police Judges and the Deputy Clerks for said Court shall attend at the Court rooms of said Court for the dispatch of business daily, except on legal holidays, from the hour of nine o'clock in the morning until five o'clock in the afternoon, and during such other reasonable hours as may be necessary for the discharge of their respective duties.

SEC. 12. The County Clerk shall pay to the Treasurer of said city and county, daily, all fines collected, and bail forfeited, accompanied by a verified statement, showing from whom each fine was collected, when collected, in what case, specifying the offense, and in what amount, and by whom such bail was forfeited. He shall, immediately upon the forfeiting of any bail bond in the Police Court, transmit to the District Attorney a copy of such bail bond, duly certified by him under the seal of that Court, to be a true copy, stating in such certificate the fact of such forfeiture, and the date thereof.

SEC. 13. Any Justice of the Peace designated in writing by the Mayor for the purpose, shall have power to preside in and hold Police Court or any Department thereof, in the event of the temporary absence of the Police Judges, or either of them, or of their inability to act from any cause; and during such temporary absence or inability, the Justice so designated shall act as Police Judge, and shall have and exercise all the powers, jurisdiction and authority conferred upon said Court or Judges.

SEC. 14. The Chief of Police shall designate two or more policemen, who shall always attend on the Police Court, act as bailiffs therein, and execute the orders and process of said Court and the Judges thereof.

## CHAPTER VII.

### OF THE SHERIFF.

SECTION 1. The Sheriff of said City and County shall attend in person, or by deputy, all the Courts in and for said city and county, except the Police Court. He may appoint:

An Under Sheriff, thirty-three Deputies, a Bookkeeper, three Assistant Bookkeepers, a Chief Jailer, a Matron for County Jail, and such other deputies and employees as may from time to time be authorized by the Supervisors by ordi-

nance passed by the affirmative vote of not less than nine members of each Board.

SEC. 2. He shall pay into the Treasury every Monday all moneys collected and received by him, for fees, charges, commissions, percentage and compensation, of whatever nature, kind or description, that may be received by him in the discharge of, or for the duties of his office, or by virtue of his office, or for the purpose of reimbursing himself for any payment made to any deputy, assistant or employee, or for any expense incurred by him, including all mileage and compensation for traveling; and shall render monthly statements on oath to the Auditor of all moneys collected or received by him, specifying from whom received, for what service, or on what account, and the amount and date of each item. He shall not charge or receive for any advertisement or publication any other or greater sum than that actually paid by him therefor; and he shall file in each action wherein he may cause any publication to be made a statement signed by him, showing the amount collected, and from whom received, as compensation for such publication, and the amount paid by him therefor, with the date thereof and the person to whom he made such payment. He shall accompany his monthly statement with his affidavit that he has not in any instance charged or received any other or greater sum as compensation for any advertisement or publication made by him than the sum actually paid for the same.

## CHAPTER VIII.

### OF THE CORONER.

SECTION 1. The Coroner, in addition to the duties imposed upon him by law, shall keep a record of all inquests held by him and a copy of all testimony and the proceedings thereon.

SEC. 2. He may appoint two deputies, one to act as first deputy, the other to act as second deputy, and one messenger to take charge of the dead wagon, and perform such other duties as are required by the Coroner or his deputies in connection with the duties of his office. He may from time to time appoint such other deputies and employees as may be authorized by the Supervisors, by ordinance passed, by the affirmative vote of not less than nine members of each Board.

SEC. 3. No fees shall be charged by him for any service performed as Coroner.

## ARTICLE VII.

**Public Schools and Libraries.**

## CHAPTER I.

## OF THE BOARD OF EDUCATION.

SECTION 1. The School Department shall be under the control and management of a Board of Education, composed of five School Directors, who shall be appointed by the Mayor, and who shall receive no compensation. Said appointments shall be made without regard to politics, and by preference, from heads of families; and the persons so appointed shall hold office for four years. Those first appointed shall immediately after their organization as a Board, so classify themselves by lot that two of their number shall go out of office at the expiration of one year, one at the expiration of two years, one at the expiration of three years, and one at the expiration of four years.

SEC. 2. Immediately after their appointment and qualification, they shall organize by electing one of their number President, who shall serve for one year and until his successor is elected; and shall elect a Secretary, who is a member of the Board.

The Board of Education shall meet weekly, and at such other times as it may determine. It shall determine the rules of its proceedings, but the concurrent vote of three members shall be necessary to transact business, and the ayes and noes shall be taken when demanded by any member, and entered on the records of the Board.

SEC. 3. All sessions shall be public, but executive sessions may be held by unanimous vote.

## CHAPTER II.

## OF SCHOOLS.

SECTION 1. The School Department shall comprise all the public schools of the city and county of San Francisco and shall include Primary and Grammar Schools, and may, at the option of the Board of Education, include Evening, Technical, Cosmopolitan, High and Normal Schools.

SEC. 2. Instruction must be furnished free of expense to all children residing in said City and County, in such branches as the Board of Education may determine; said instruction must include the branches necessary for a common school education, and may include the higher branches taught in the Grammar, High and Normal Schools of said city and county.

SEC. 3. All children between the ages of six and twenty-

one, residing within said city and county, are entitled to receive the benefits of a common school education, and may be instructed in such higher branches of education as may be established or provided by the Board of Education; but said Board shall not establish or maintain schools for instruction in the higher branches of education until full and ample facilities are provided for instruction in the Primary and Grammar classes of the public schools, in the order herein named.

SEC. 4. Said Board may establish Kindergarten Schools for the tuition of children between the ages of four and six years, and may provide for Kindergarten instruction in the Primary grades.

### CHAPTER III.

#### OF THE POWERS OF THE BOARD OF EDUCATION.

SECTION 1. The Board of Education shall have power:

1. To establish school districts, having regard to population and growth of the city and county, and to fix and alter the boundaries thereof.

2. To establish and maintain public schools as provided for in this Charter, and to change, modify, consolidate or discontinue the same, as the public good may require.

3. To employ, pay and dismiss such persons as may be necessary to carry into effect its powers and duties, and to fix, alter and approve their salaries and compensation; to withhold for good and sufficient cause, the whole or any part of the wages, salaries or compensation of any person or persons employed as aforesaid; but no teacher shall be employed or dismissed, except upon the written recommendation of the Board of Examiners, stating the reasons therefor.

4. To establish and enforce all necessary rules and regulations for the government and efficiency of the schools, and for carrying into effect the school system; to prevent and remedy truancy, and to reform truants; to compel the attendance at school of children between the ages of five and thirteen, without lawful occupation, found wandering about the streets or in public places during school hours.

5. To investigate charges against any person connected with or in the employ of the School Department; to administer oaths and take testimony in the conduct of such investigations; and to require the attendance of witnesses before the Board or any member or committee thereof.

6. To adopt or reject text-books, recommended by the Board of Examiners, for the use of the schools; but such

text-books shall not be changed or modified within a period of four years after their adoption.

7. To provide for the School Department all supplies and material necessary for use in the schools, or in the offices of the Boards, or Superintendent, in the manner hereinafter provided; and to incur incidental expenses not exceeding two hundred dollars a month.

8. To rent school houses, and furnish them with proper school furniture, apparatus and school appliances; to use and control such buildings as may be necessary for the requirements of the Department, and to insure such School property as may be deemed advisable.

9. To take possession of, receive, purchase, lease, and hold in fee, in trust for the City and County of San Francisco, any and all real estate, and all personal property, that has been or which hereafter may be acquired for the use and benefit of the schools of said City and County.

10. On or before the first day of May in each year to appoint School Census Marshals, and notify the Superintendent of Common Schools of such appointment.

11. To sue, in the name of the Board of Education, for any and all lots, lands and property belonging to or claimed by the School Department of said City and County, and to prosecute and defend all actions at law or special proceedings or suits in equity concerning the enjoyment and possession of said lots, lands and property, and to require the services of the City Attorney in all such actions, suits and proceedings.

12. To establish regulations for the disbursement of all moneys belonging to the School Department or to the Common School Fund, and to secure strict accountability in the expenditure thereof; to provide for the prompt payment, on not later than the fifth day of each month in every year, of all salaries due and allowed officers, teachers and other employees of the School Department; and for this purpose the Auditor shall annually segregate so much of the Common School Fund as shall not exceed twenty-two dollars and fifty cents for each pupil in average daily attendance in the public schools of said city and county during the preceding fiscal year; and the amount so segregated shall not be applied to the payment of any demand against said Common School Fund during any fiscal year, other than for salaries, until all the salaries for that fiscal year have been fully paid. Said Board shall ascertain, determine, and transmit to the Auditor on or before the first day of July of each year, an estimate of the amount required for such segregation within said limit of twenty-two dollars and fifty cents.

13. To dispose of and sell such personal property used in

the schools as shall no longer be required. All moneys realized by such sales shall be paid into the Treasury to the credit of the Common School Fund.

14. To lease for the benefit of the Common School Fund, for a term not exceeding twenty years, any real property of the School Department not required for school purposes; but no lease for a term exceeding two years shall be made, except by an affirmative vote of not less than four members of said Board, approved by an ordinance of the Supervisors, passed by the affirmative vote of not less than nine members of each Board.

15. To receive and manage property or money acquired by bequest or donation in trust for the benefit of any school, educational purpose, or school library; and to carry into effect the terms of any bequest not in conflict with then existing laws or this Charter.

16. To do and perform such acts as may be necessary and proper to carry into effect the powers conferred upon such Board.

SEC. 2. The Board of Education shall procure all supplies necessary for the public schools. All supplies, books, stationery, fuel, printing, goods, material, merchandise, and every other article supplied to or for the public schools, or any of them, when the expenditure to be incurred exceeds two hundred dollars, shall be furnished by contract let by said Board to the lowest responsible bidder, after advertisement for ten days.

SEC. 3. Said Board, shall annually, on the first day of May, or within five days thereafter, make a list of supplies estimated to be required by the School Department for the ensuing fiscal year, stating in clear and explicit terms the quantities and kinds of all articles needed and how and when to be delivered, and shall invite proposals for furnishing the same, by advertising said list and the conditions upon which the contract therefor is to be awarded, for at least ten days.

The provisions of sections 15, 16, 17 and 18, of Chapter I, Article V, of this Charter, in regard to the advertising for proposals, the form and character of proposals, the affidavit and security accompanying the same, the presentation and opening of proposals, the awarding and entering into of contracts and the security for the performance thereof, shall, so far as the same can be made applicable, apply to all proposals and contracts made, awarded or entered into for supplying supplies to said Board of Education.

Any contract made in violation of any of said provisions shall be absolutely void, and never form the basis of, or be a claim against the Common School Fund or any other Fund.

SEC. 4. Said Board shall transmit, between the fifteenth

day of July and the first day of August in each year, to the State Superintendent of Public Instruction, and to the Supervisors of said city and county, a report in writing for the preceding fiscal year, stating the number of schools within its jurisdiction; the length of time they have been kept open; the number of pupils taught in each school; the daily average attendance of pupils in all the public schools; the number, names and salaries of teachers; the amount of money drawn from the Treasury by the Department during the year—distinguishing the amounts drawn from the general Funds of the State from all others; and from what sources, and the purposes for which such money has been expended, with particulars; and such other information as may be required from it by the State Superintendent, the Supervisors, or either Board thereof, or the Mayor.

SEC. 5. Said Board shall, between the first and thirty-first days of May of each year, fix the salary of every teacher and other employee of the School Department, to take effect on the first day of July following.

#### CHAPTER IV.

##### OF THE SUPERINTENDENT OF SCHOOLS.

SECTION 1. The Superintendent of Schools of the City and County of San Francisco shall be a member and the Chairman of the Board of Examiners of Public Schools.

SEC. 2. Said Superintendent by and with the consent of the Board of Examiners, shall appoint a clerk, who shall act as Secretary of said Board of Examiners. His salary shall be fixed and paid by the Board of Education, and he may be removed at the pleasure of said Superintendent. He shall perform such duties as may be required of him by the Board of Examiners or the Superintendent.

SEC. 3. Said Superintendent shall report in writing to the State Superintendent of Public Instruction, on or before the first day of August in each year, and whenever required by that Officer.

SEC. 4. He shall designate a member of the Board of Examiners, who must visit the schools in the district assigned to him, at least three times a year, and examine each and every class therein to ascertain and report as to the efficiency of the teacher thereof.

#### CHAPTER V.

##### OF THE BOARD OF EXAMINERS.

SECTION 1. Within thirty days after the organization of the Board of Education, it shall elect five qualified persons,

who are experienced teachers, three of whom shall hold office for one year and two for two years; and who, together with the Superintendent of Common Schools, shall form a Board of Examiners of Common Schools. Of the persons so elected, two shall be women. Thereafter the term of office shall be two years, and the Board of Education shall fill all vacancies.

When the daily average attendance in all the schools reaches forty thousand, the Board of Education may appoint an additional Examiner; and it may appoint an additional Examiner for each subsequent increase of seven thousand pupils in daily average attendance.

When any increase in the number of Examiners is made the Board of Education shall so classify the terms of office of the Examiners that one-half, or as near thereto as possible, shall go out of office annually.

SEC. 2. Said Board of Examiners of Public Schools shall:

1. Establish and enforce all necessary rules for the government and efficiency of the teachers and pupils; regulate and grade the schools, the course of studies and mode of instruction therein.

2. Meet semi-annually at such times as it may determine for the purpose of holding competitive examinations for the granting of teachers' certificates; examine teachers and recommend to the Board of Education the granting to them of certificates.

3. Recommend to the Board of Education the appointment and dismissal of teachers and the cancellation of their certificates, stating the reasons therefor; but no permanent appointment shall be made until after six months probation in actual teaching in the grade to which such teacher is to be assigned.

4. Recommend to the Board of Education for adoption, text books for the use of the Common Schools.

5. See that the schools are efficiently conducted, and that the laws, and the regulations of the Board of Education and of the Board of Examiners are enforced, and that no religious or sectarian books or teachings are allowed in the schools, and report in writing quarterly to the Board of Education.

6. Report in writing to the Board of Education annually, on or before the first day of July, and at such other times as said Board may require, all matters pertaining to the condition and progress of the Public Schools of said city and county during the preceding year, with such recommendations as it may deem proper.

7. Observe, and cause to be observed, such general rules for the regulation and government of the schools, and instruction therein, not inconsistent with the laws of the State, as may be established by the Board of Education.

8. Attend, at its pleasure and when required, the sessions of the Board of Education and inform said Board of the condition of the schools, school houses, and other matters connected therewith; and recommend such measures as it may deem necessary for the advancement of education in said city and county.

9. As a Board, or in their individual capacity as members thereof, notify the Board of Education of any waste, misappropriation, or useless expenditure that may come to its or their knowledge.

10. Become acquainted with all the laws, rules and regulations governing the Public Schools in said city and county; and give advice on subjects connected with the Public Schools gratuitously, to officers, teachers, pupils, and the parents and guardians of pupils.

11. Provide that instruction in the Public Schools shall be applied as far as possible to the practical affairs of life, so as to enable pupils to earn a living, and to cultivate good morals and a respect for truth, labor and industry.

## CHAPTER VI.

### OF THE COMMON SCHOOL FUND.

SECTION 1. The Common School Fund shall be used and applied by said Board of Education as follows, viz:

1. For the payment monthly of the salaries or wages of the Superintendent, School Examiners, Teachers, Janitors, School Census Marshals, and other persons employed by said Board and in said School Department.

2. For supplying the schools with fuel, water, apparatus, blanks, blank books and necessary school appliances, and text books for children attending the Primary Grades, and such other grades not higher than Grammar Grades, as said Board may determine.

3. For lighting and heating school rooms and the offices and rooms of said Board, the Board of Examiners and of the Superintendent.

4. For supplying books, printing and stationery for the use of said Board, the Board of Examiners and the Superintendent, and for the incidental expenses of the Department.

5. For the purchase or rent of any real or personal property purchased or hired by said Board.

6. For the construction, alteration, repairing and furnishing of school houses.

7. For grading, fencing and improving school lots.

8. For the discharge of incumbrances on any school property.

9. For the insurance of such school property as it may deem it advisable to insure.

10. For the payment of interest accruing on school bonds; and for the redemption of the same, as far as the money in said Fund may be realized from the rents of property belonging to the School Department, dedicated to that purpose, or from money appropriated for such purpose by the State or City and County, and paid into said Fund.

SEC. 2. All demands payable out of the Common School Fund shall be filed with the Secretary of the Board of Education, and after they have been approved by the Auditing Committee, and the Board of Education, upon an affirmative vote of three members thereof, upon a call of the ayes and noes (which shall be recorded), they shall be signed by the President of said Board, and countersigned by its Secretary, and sent to the Auditor.

Every demand shall have indorsed upon it a certificate signed by the Secretary of its approval by the Board of Education, showing the date thereof, the vote thereon, and the law authorizing it, by title, date and section.

Every person in the employ of the School Department, entitled to a salary therefrom, shall receive a warrant for the amount found due and approved by the Board, signed by the President and Secretary thereof; but the entire monthly salary roll of the Department shall be made up by the Secretary of said Board, and after being audited by the Auditing Committee thereof, shall be presented at a regular meeting of said Board for its approval; and if approved by a majority of all the members thereof, upon a call of the ayes and noes (which shall be recorded), shall be indorsed in the same manner as other demands. The salary roll so audited, approved and indorsed, shall be immediately transmitted to the Auditor for comparison with the individual salary warrants issued in the manner above provided; but payment shall be made only on the individual warrants issued in accordance herewith.

## CHAPTER VII.

### OF THE SCHOOL TAX LEVY.

SECTION 1. The Board of Education shall, on or before the first Monday of May in each year, report to the Supervisors an estimate of the amount which shall be required during the ensuing fiscal year for the purpose of meeting the current annual expenses of public instruction in said city and county during said ensuing year, specifying the amount required for supplies to be furnished pupils, including text books; for purchasing and procuring sites; for leas-

ing rooms or erecting buildings; for furnishing, fitting up, altering, enlarging and repairing buildings: for the support of schools organized since the last annual apportionment; for the salary of the Superintendent and all persons employed in the School Department, and for other expenditures necessary for the economical administration of the Public School system; but the aggregate amount so reported shall not exceed the sum of thirty dollars for each pupil who in the year preceding has actually attended the schools entitled to participate in the apportionment.

The average number of pupils attending the schools during any one year shall be ascertained by adding together the number of days' attendance of said pupils during the year, and dividing the same by the number of school days in the year.

The Supervisors at the time and in the manner of levying and collecting other city and county taxes, shall levy and cause to be collected for the Common School Fund, a tax which shall produce an amount of money which added to the revenue derived from other sources, shall not exceed thirty dollars for each pupil, as ascertained and reported by said Board.

SEC. 2. No school in which the religious doctrines or tenets of any particular religious sect are taught, inculcated or practiced, or in which any book containing compositions favorable or prejudicial to the doctrine or tenets of any particular religious sect is used, shall receive any portion of the school moneys; nor shall any such book or teachings or practices be permitted in the Public Schools.

SEC. 3. Any member or officer of the Board of Education or of the Board of Examiners who shall, while in office, accept any donation or gratuity in money or of any valuable thing, either directly or indirectly, from any teacher, or candidate or applicant for position as teacher, upon any pretense whatever, shall be removed from office by the Board of Education.

SEC. 4. Any member, officer or employee of the Board of Education, or of the Board of Examiners, who shall accept any money or valuable thing, or the promise thereof, with an agreement or understanding, express or implied, that any person shall in consideration thereof receive the vote or influence of such member, officer or employee, for a situation as a teacher, or employee of any kind, in the School Department, shall be removed from office by the Board of Education.

## CHAPTER VIII.

## OF SCHOOL HOUSES AND LOTS.

SECTION 1. When a district in said city and county is unprovided with sufficient school accommodations, and suitable class rooms cannot be leased or rented at a reasonable price within said district, and more than two hundred pupils attend schools in such district which are sufficiently near to each other to be consolidated, the Board of Education may by resolution make a requisition upon the Board of Public Works for plans and specifications and estimates for a new school house, specifying the number of class rooms needed, the location of the proposed school house, the date on which it should be completed, the amount of money in the School Fund available for the purpose, and such other information as will enable the Board of Public Works to prepare the necessary plans, specifications and estimates of cost for such school house.

If such plans, specifications and estimates are approved by the Board of Education, they shall be indorsed "Approved," with the date of such approval, by the President and Secretary thereof, and returned to the Board of Public Works, which shall proceed without delay to have said school house constructed and completed in accordance therewith.

When said school house is completed, the Board of Public Works shall notify the Board of Education, which thereupon shall examine the same, and if built in accordance with the plans and specifications approved by it, and within the estimated cost thereof, shall accept, pay for and take possession thereof.

SEC. 2. When any school house, building, or fence, belonging to, or connected with, or under the control of the Board of Education needs repairing, altering or improving, said Board shall notify the Board of Public Works, specifying in general terms the work to be done; and the Board of Public Works shall cause the same to be done forthwith, if the cost thereof shall not exceed two hundred and fifty dollars; otherwise, the Board of Public Works shall submit plans, specifications and estimates of cost to the Board of Education for its approval, and if approved as provided in Sec. 1 of this Chapter, the Board of Public Works shall cause the same to be done, and if done in accordance with the plans and specifications, and within said estimate, the same shall be accepted and paid for out of the Common School Fund.

SEC. 3. When it is necessary to purchase a lot for the use of the School Department, the price paid for such lot shall not exceed the market value of adjacent property of

equal size and similarly situated. Any school building constructed on such lot shall have a clear space of at least ten feet around the same.

## CHAPTER IX.

### OF EMERGENCIES.

SECTION 1. In case of extreme emergency or great calamity, such as disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and Supervisors, incur extraordinary expenditures, in excess of the annual limit provided in this Charter, for the repair and construction and furnishing of school houses, in place of those so injured or destroyed; and the Supervisors may by ordinance cause to be transferred to the Common School Fund, from moneys in any Fund not otherwise appropriated, sufficient money to liquidate such expenditures, and provide for the same in the next tax levy of said city and county.

## CHAPTER X.

### OF THE FREE PUBLIC LIBRARY AND READING ROOMS.

SECTION 1. The Free Public Library and Reading Rooms now existing in this city and county shall be under the management of a Board of five Trustees. The present Board of Trustees of said Library and Reading Rooms shall have the management and control thereof until its successors are appointed as provided in this Chapter.

SEC. 2. The Mayor shall appoint five Trustees, who shall hold office for four years. Those first appointed shall so classify themselves by lot that two of their number shall go out of office in one year, one in two years, one in three years, and one in four years.

SEC. 3. The position of Trustee shall be one of honorary trust, without salary or compensation.

SEC. 4. The Supervisors shall, in making the annual tax levy, and as a part thereof, apportion a sum not to exceed two cents on the one hundred dollars, for the purpose of maintaining said Library and Reading Rooms and such branches thereof as said Board may from time to time establish, and for purchasing books, journals and periodicals, and for purchasing or leasing real and personal property, and for constructing such buildings as may be necessary.

SEC. 5. All revenue from said tax, together with all money or property derived by gift, devise, bequest or otherwise, for the purposes of said Library, shall be paid into the Treasury, and be designated as the Library Fund,

and be applied to the purposes herein authorized. If such payment into the Treasury would be inconsistent with the conditions or terms of any such gift, devise or bequest, said Board shall provide for the safety and preservation of the same and the application thereof to the use of said Library and Reading Room, in accordance with the terms and conditions of such gift, devise or bequest.

SEC. 6. The title to all property, real and personal, now owned or hereafter acquired by purchase, gift, devise, bequest or otherwise, for the purpose of said Library and Reading Rooms, when not inconsistent with the terms of its acquisition, shall vest, and be, and remain in said city and county, and in the name of said city and county may be sued for and defended by action at law or otherwise

SEC. 7. Said Board shall take charge of said Public Library and Reading Rooms, and branches thereof, and of all real and personal property thereunto belonging, or that may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise, or bequest; it shall meet for business purposes on the first Tuesday of each month, and at such other times as it may appoint, in a place to be provided for the purpose, and a majority shall constitute a quorum for the transaction of business. It shall elect one of its number President, who shall serve for one year and until his successor is elected, and shall elect a Librarian and such assistants as may be necessary. It may elect a Secretary, who shall keep a full account of all property, money, receipts and expenditures, and a record of all its proceedings.

SEC. 8. Said Board, by a majority vote of all its members, to be recorded in its minutes with the ayes and noes, shall have power:

1. To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of said Library and Reading Rooms and branches thereof, and all property belonging thereto, or that may be loaned thereto.

2. To administer any trust declared or created for such Library and Reading Rooms and branches thereof, and to provide memorial tablets and niches to perpetuate the memory of those persons who make valuable donations thereto.

3. To remove any Trustee who may neglect to attend the meetings of the Board, or who may absent himself from the State without the consent of the Board, for three consecutive months.

4. To define the powers and prescribe the duties of all officers; determine the number of, and elect all necessary subordinate officers and assistants, and at its pleasure remove any officer or assistant.

5. To purchase necessary books, journals, publications and other personal property.

6. To order the drawing and payment upon vouchers, certified by the President and Secretary, of money from the Library Fund for any liability or authorized expenditure; and generally to do all that may be necessary to carry into effect the provisions of this Charter with reference to said Library and Reading Rooms and branches thereof.

7. To fix the salaries of the Librarian and Secretary and their assistants, and with the approval of the Supervisors, expressed by ordinance, to rent and equip such building or buildings, room or rooms, as may be necessary for said Library and Reading Rooms and branches thereof.

8. With the approval of the Supervisors, expressed by ordinance, to establish such branches of said Library and Reading Rooms as the growth of the city may from time to time demand.

SEC. 9. Said Board, on or before the first day of August, in each year, shall make a report to the Supervisors, giving the condition of its trust, with full statements of all property and money received, whence derived, how used and expended, the number of books, journals, and other publications on hand, the number added by purchase, gift or otherwise, during the next preceding fiscal year, the number lost or missing, the number and character of those loaned; and such other statistics, information and suggestions as may be of general interest; and also a financial report, showing all receipts and disbursements, with particulars thereof, and the names of all employees, and the salary paid to each

SEC. 10. The Supervisors shall have power to appropriate and authorize the use, either in whole or in part, of any real estate belonging to said city and county, for the purpose of erecting and maintaining a building or buildings thereon, to be used for said Library and Reading Rooms, or branches thereof, and may appropriate the whole or any portion of any public building belonging to said city and county for such use.

## CHAPTER XI.

### OF THE SAN FRANCISCO LAW LIBRARY.

SECTION 1. The Supervisors are authorized and required by ordinance to provide, fit up and furnish, and provide with fuel, lights, stationery, and all necessary conveniences, attendants and care, rooms convenient and accessible to the Judges and officers of the Courts, sufficient for the use and accommodation of the San Francisco Law Library, established under an Act of the Legislature of this State, entitled "An Act to provide for increasing the Law Library of the

corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government, and the people of the City and County of San Francisco," approved March 9th, 1870. The Supervisors are further authorized to appropriate, allow, and order paid out of the General Fund such sums as may be necessary for the purposes aforesaid; and all sums lawfully appropriated and expended pursuant hereto shall be paid out of the General Fund on demands duly audited, in the mode prescribed by this Charter for auditing other demands upon the Treasury. The Supervisors must also, monthly, appropriate and pay to the Trustees of the San Francisco Law Library such moneys as shall from time to time be collected by the County Clerk and paid into the Treasury for the benefit of said Law Library.

## ARTICLE VIII.

### **Of the House of Correction and School of Industry.**

SECTION 1. The House of Correction and School of Industry shall be under the management of a Board of Reform composed of four Commissioners, who shall be appointed by the Mayor, and shall hold office for four years. Those first appointed shall, at their first meeting, so classify themselves by lot that the term of office of one shall expire at the end of one year, one at the end of two years, one at the end of three years, and one at the end of four years. Within ten days after their appointment, said Commissioners shall organize by electing one of their number as President, who shall hold the office for one year, and until his successor is elected, and may elect a Secretary, who shall keep a record of its proceedings. Said Board shall prescribe rules and regulations for the management and conduct of said House of Correction, and may provide for teaching the persons confined therein some useful trade or occupation. Any clothing or other articles manufactured by said persons which can be used in any of the other public institutions of said city and county, and are not needed for said House of Correction shall, upon the resolution of the Supervisors calling therefor, be delivered to such other institution. Said Commissioners shall receive no compensation. Three members shall constitute a quorum; but the affirmative vote of three members shall be required to adopt any measure. Said Board shall hold regular meetings as often as once a month, and all meetings shall be public.

SEC. 2. Said Board shall appoint a Superintendent of the House of Correction, who may appoint such subordinates

as may be authorized by the Supervisors upon recommendation of said Board. No such subordinate shall receive more than seventy-five dollars a month. If he remove or suspend any subordinate, he shall report, in writing, to said Board at its next meeting his action and the reasons therefor.

SEC. 3. Said Superintendent shall have charge of the House of Correction, and see that its affairs are conducted in accordance with the provisions of this Charter, the laws of the State, and such rules and regulations as may be prescribed by said Board. He shall provide employment for the inmates, and for six days in each week keep all persons confined therein employed at such labor as may be authorized by law or the regulations of said Board. Male and female prisoners shall be kept separate from each other. Said Superintendent shall see that the prisoners while at labor are properly guarded; punish in an appropriate manner disobedient or disorderly prisoners who violate the rules of discipline, or do not faithfully perform their tasks; keep a record showing the cause, mode and duration of such punishment, and make a monthly report thereof to said Board, with a detailed statement of the working and condition of the institution for the preceding month. He and his subordinates shall reside at the House of Correction, and shall not absent themselves therefrom for more than four hours, without the previous written consent of the Board, signed by a majority of the members thereof.

SEC. 4. Said Superintendent shall have charge of the inmates and property of the House of Correction, keep accounts of all its receipts and property, and receipt for and preserve a record of all supplies furnished to it, with the names of the persons furnishing the same, and the date when furnished, and the amount and character thereof. He shall have the custody of all supplies received by him for, and all articles manufactured in, or grown on the grounds of, the House of Correction; and no supplies, article or product shall be withdrawn or removed except by said Superintendent, who shall, at the time of such withdrawal or removal, make a record thereof, and of the use and disposition made thereof, in a book to be kept for that purpose. He shall pay over to the Treasurer of said city and county immediately all moneys that may come into his hands as such Superintendent, at the same time delivering to the Auditor a written statement thereof, and the source from whence derived.

SEC. 5. He may, under direction of said Board, sell perishable property, but all property not perishable must be sold at public auction at such place and upon such notice as said Board may prescribe. Said Superintendent shall execute bills of sale for the property so sold, and collect the purchase price.

SEC. 6. Said Board shall make, quarterly, to the Supervisors an estimate of all supplies probably required for the next ensuing quarter, and the Supervisors shall furnish all supplies necessary for said House of Correction, including all materials and implements necessary to keep at work all persons confined therein.

SEC. 7. Said Superintendent, under the direction of the Board, shall be the custodian of all the books, papers and records of the House of Correction and shall keep a record in which shall be noted the conduct of all prisoners confined therein. For each month in which any prisoner appears by such record to have been obedient, orderly and industrious, said Board may deduct three days from the term for which said prisoner was sentenced.

SEC. 8. Any person under the age of twenty-one years convicted of crime for the first time and appearing for sentence in any Court in and for said city and county, who, for the crime of which he or she was convicted, might be sentenced to imprisonment in the County Jail or State Prison, may instead thereof be sentenced to imprisonment in the House of Correction, provided the term for which he or she is sentenced is not less than three months or more than three years.

SEC. 9. Said Superintendent must cause all persons committed to said House of Correction, who are over the age of fifteen years, to be kept entirely separate from the prisoners confined therein who are under that age.

SEC. 10. The School of Industry shall be used exclusively for the detention, management, reformation, education and maintenance, during minority, of such children, over the age of six and under sixteen years, at the time of their committal thereto, as shall be committed thereto by any of the Courts in and for said city and county, or by said Board of Reform, upon proof that such child leads a vagrant or dissolute life, or has been abandoned or grossly neglected by its parents.

SEC. 11. Said Board shall prescribe rules and regulations for the management of said School of Industry; designate the employment in which the inmates thereof shall be engaged; provide the means and prescribe the methods for imparting to the inmates of said School an ordinary common school education and teaching them some useful trade or occupation; and may apprentice any of said inmates, during their minority, to respectable persons to learn proper trades or employments; provide for the custody of females committed to said School in a separate building from the males, either in any other building belonging to the city or in some other suitable institution; and generally, do all that may tend to reform the persons committed to said School.

SEC. 12. Said Board shall appoint a Superintendent of said School, who shall reside therein. He may appoint such subordinates as may be authorized by the Supervisors, upon the recommendation of said Board. No such subordinate shall receive more than seventy-five dollars a month. All such subordinates shall reside at said School. If said Superintendent remove or suspend any subordinate, he shall report in writing his action, with the reasons therefor, to said Board at its next meeting. He shall be charged with the same duties and powers, so far as applicable, with regard to the School of Industry, as are prescribed in this Charter for the Superintendent of the House of Correction with regard to that Institution.

SEC. 13. The Supervisors, upon the requisition of said Board, signed by the President and Secretary, shall provide all supplies required for the maintenance and management of said School and its inmates, including all necessary materials and implements for the employment and education of its inmates.

SEC. 14. Said Board may receive into and care for in said School such wayward minor children as may be intrusted to it by their parents or guardians; but no such minor shall be received into said School without the written recommendation of the Mayor. Said Board may, by a unanimous vote, when the public good and the interests of the minor will be served thereby, discharge from said School any minor committed thereto and being therein.

## ARTICLE IX.

### **Police Department.**

#### CHAPTER I.

##### OF THE POLICE COMMISSIONERS.

SECTION 1. The Police Department shall be under the management of a Board of Police Commissioners, consisting of four Commissioners who shall be appointed by the Mayor and shall hold office for four years.

In making such appointments, the Mayor shall not appoint more than two from the same political party. In filling any vacancy that may occur, the Mayor shall not make any appointment the result of which would cause more than two of said Commissioners to be of the same political party, and said Board shall be always so composed that there shall never be at any one time more than two Commissioners from the same political party. Those first appointed shall,

immediately after their appointment, so classify themselves by lot, that they shall, respectively, go out of office at the expiration of one, two, three and four years after their appointment.

SEC. 2. Every Police Commissioner shall, after he enters on the duties of his office, continuously reside in said city and county; and any Commissioner who shall absent himself therefrom for the continuous period of sixty days, shall cease to be a Police Commissioner.

SEC. 3. No Police Commissioner shall be eligible to any other Municipal office during his incumbency of office or for one year thereafter. No Commissioner shall, during his term of office, be a member of, or take part in, any political convention the purpose of which is to nominate candidates for office, or act as judge, inspector, clerk, or officer of any election or primary election, or take part in any election except to deposit his vote; nor shall any member of said Board, directly or indirectly, influence or attempt to influence or control the action of any member or employee of said Department in any primary, special or general election; nor shall any member of said Board receive or collect, or suffer to be received or collected, from any member of the said Department, any assessment or contribution for political purposes. A violation of any of the provisions of this section shall be cause for the immediate removal from office of the person guilty of such violation.

SEC. 4. The Police Commissioners shall meet in said city and county within ten days after their appointment, and organize as a Board of Police Commissioners, and elect one of their number President, who shall hold his office for one year. The Clerk of the Chief of Police shall act as the Clerk of said Board. The sessions of said Board shall be public, except that executive sessions may be held in special cases by unanimous vote. Said Board shall meet at least once a week, in the office of the Chief of Police, or in such other place as the Supervisors shall designate, or in case of emergency, at such place as said Board shall select. Every member of said Board, the Chief of Police, and the Clerk of said Board, shall have power to administer oaths in all matters pertinent to the business of their respective offices, or pending before said Board. The Board shall keep a record of its proceedings. The President, or one of the other Commissioners, shall daily visit the office of the Board.

## CHAPTER II.

## OF THE POWERS OF THE BOARD.

SECTION 1. The Police Force shall be appointed by said Board, and said Board shall have power:

1. To suspend or remove any member of said Force in the manner hereinafter provided.

2. To prescribe rules and regulations for the government and discipline of said Police Force, and from time to time alter or repeal the same, and prescribe penalties for the violation of any of them.

3. To hear and summarily determine all complaints of misconduct, or inefficiency, or other charge against any member of the police force, and to take such action thereon as shall be conducive to the maintenance of the discipline and efficiency of the same.

4. To grant permits to all persons desiring to engage in the retail liquor business, upon the recommendation of the owners of a majority of the frontage of the property situated upon the same street with the proposed place of such business, and between the next adjacent cross streets, and to revoke any such permit when it shall appear to said Board that the business of the person to whom such permit was given is conducted in a disorderly or improper manner; if said Board refuse to grant such permit, or propose to revoke any permit that has been granted, the person who is refused such permit, or whose permit it proposes to revoke, shall be entitled to be heard before said Board, in person or through counsel, and to have, free of charge, all reasonable facilities for the hearing on his right to have or retain such permit. It shall not be lawful for any person to carry on the retail liquor business in said city and county without the permit hereby authorized. Such permits must be granted for not more than one year and they shall distinctly state the name of the person to whom the same is given, and a description of the premises where such business is to be carried on, and the same must be posted in a conspicuous place upon said premises. Complaints to revoke permits granted by said Board must be in writing, signed by the person making the same, and filed with the Clerk of said Board; and a copy thereof, certified by the Clerk, must be served on the party complained against at least ten days before the time for the expiration of such permit, and the person holding such permit shall, before said expiration, have a hearing in opposition to such complaint.

5. At its discretion, upon the petition of any person, firm or corporation, to appoint, and at pleasure to remove, a special officer to do special service, to be paid for

by such person, firm or corporation, specifying the boundary or locality at or within which he is to act as such special officer, which boundary or locality, together with the names of the persons, firms and corporations petitioning for such appointment, shall be described in his warrant of appointment. All special officers shall report to the Chief of Police when required by him, and be subject to his orders in case of emergency, and in no event shall such officers be paid by the City and County, or any other persons than those who shall have signed said petition, and no such special officer shall become, or obtain, bail for any person charged with any offense whatever, or recommend to any person charged with crime the employment of any particular attorney; and any such special officer who shall solicit, collect, or receive, or cause or permit others so to do for his benefit, any money or other thing, for guarding or protecting, or on pretense of so doing, the person or property of any person other than of those petitioning for his appointment as such special officer, or shall violate any of the foregoing provisions, shall be dismissed from the service.

6. To prescribe the badge of office and uniform to be worn by all members of the police force, and the badge of office to be worn by all special officers.

7. To allow and order paid out of the Police Fund, as contingent expenses of the Police Department, upon orders signed by the Chief of Police, such amount as shall be allowed by the Supervisors for that purpose; but the aggregate of such orders shall not exceed the sum of ten thousand dollars a year.

8. To appoint substitute police officers, not to exceed numerically five per centum of the police force, to serve under such regulations, and subject to such restrictions, as may be prescribed by said Board, and without pay from said city and county.

9. To issue subpoenas, tested in the name of its President, for the attendance of witnesses and production of papers upon any proceeding authorized by the rules and regulations of said Board, or by any of the provisions of this Charter, or law of the State.

10. To determine within what districts the police force shall be distributed and employed; to establish and maintain, and at its discretion abolish stations and station houses, sub-stations and sub-station houses, for the accommodation of members of the police force, and as places of temporary detention for persons arrested.

11. Upon any emergency calling therefor, to appoint as many special patrolmen, without pay, from among citizens, as it may deem desirable. During the service of any such special patrolman, he shall possess all the powers

and privileges, and perform all the duties prescribed by said Board; and every such patrolman shall wear a badge, to be prescribed and furnished by the Board.

12. To issue to every member of the police force a warrant of appointment, signed by the President and countersigned by the Clerk, which warrant shall contain the date of his appointment and his rank.

13. To report annually, on or before the first day of May, to the Supervisors an estimate of the amount of money that will be required to pay all salaries, expenses and contingent expenses of the Police Department for the ensuing fiscal year, specifying in detail the items for which the same will be required, except for those known as contingent expenses.

14. To provide for the care, restitution, or sale at public auction, of all property that may come into possession of the Property Clerk; to direct the destruction of such of said property as shall consist of lottery tickets, obscene literature, or implements and property used in the commission of crime.

15. To provide for the care, management, investment and disposition of the Police Relief and Pension Fund, and to order paid out of the same the sums hereinafter provided.

16. From the regular police force to provide for a mounted police, and make all rules and regulations necessary for the government thereof.

17. To provide for a system of patrol wagons, and also a signal system, and for such other new and useful systems as will increase the efficiency of said force.

18. To make all proper rules and regulations for carrying into execution the foregoing powers, and all other powers vested in said Department by this Charter, or by any ordinance passed pursuant thereto, or by the Constitution or laws of the State.

SEC. 2. The President shall have power to convene said Board at such time and upon such reasonable notice as he may deem fit; and the concurrence of three members shall be necessary to any decision or order of the Board. The Clerk shall have the custody of all the records and official documents of the Board.

### CHAPTER III.

#### OF THE POLICE FORCE.

SECTION 1. The Police Force of said city and county shall consist of:

*First*—The Chief of Police, who shall hold office for four years.

*Second*—Six Captains of Police.

*Third*—As many Policemen, not exceeding four hundred, as said Board may determine to be necessary. The members of the Police Force in service at the time this Charter goes into effect shall constitute such Police Force. Said Force shall not exceed four hundred until the National Census of 1890 has been taken, after which time, should the population of said city and county exceed two hundred and fifty thousand, and the public interests require, said Board shall have power, with the approval of the Supervisors, expressed by ordinance passed by the affirmative vote of not less than nine members of each Board, to increase said Force above the number of four hundred, at the rate of one policeman for every seven hundred of population above said two hundred and fifty thousand; and said Board may at any time with the approval of the Supervisors, expressed by ordinance, decrease said Force below four hundred. When any increase of said Force is authorized as above, said Board shall have the power of appointment as in other cases. In the event of any such increase or decrease of said Force, the number of Captains, Sergeants, Corporals and Detectives may be increased or decreased in the same proportion.

SEC. 2. In making appointments to said Force the Board shall not regard the political or partisan preference or affiliations of the candidates.

SEC. 3. Every appointee to said Force must be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of said city and county at least five years next preceding his appointment; every appointee to said Force hereafter appointed shall not be less than twenty-five or more than thirty-five years of age, and must possess the physical qualifications required for recruits for the United States Army, and, before his appointment, pass a satisfactory medical examination, under such rules and regulations as may be prescribed by said Board.

## CHAPTER IV.

### OF THE CHIEF OF POLICE.

SECTION 1. In the suppression of any riot, public tumult, disturbance of the public peace, or organized resistance against the laws or public authority, in the lawful exercise of his functions, the Chief of Police shall, for the time being, have all the powers that are now or may be conferred on Sheriffs by the laws of this State, and his lawful orders shall be promptly executed by all police officers and special

patrolmen, if any there be, and every citizen shall when required lend him aid in the arrest and detention in custody of offenders, and the maintenance of public order. He shall keep a public office, at which, in case of his absence, a Captain of police, or police officer, by him designated for that purpose, shall be in attendance at all hours, day and night. In case of his absence from his office, it shall be made known to the police officer in attendance where he can be found. He shall designate one or more police officers to attend constantly on the Police Court, and to execute its orders and process. He shall detail and remove at his pleasure policemen to act as his Clerk, and as Prison Keepers, and as Property Clerk. He shall supervise and direct the Police Force, and shall observe and cause to be observed the provisions of this Charter, and enforce within said city and county all laws of the State applicable thereto, and all ordinances and all rules and regulations prescribed by the said Board. He shall see that the orders and process issued by the Police Court are promptly executed, and shall exercise such other powers connected with his office as may be prescribed in the general rules and regulations of the Board. He shall acquaint himself with all statutes and laws in force in this State defining public offenses and nuisances, and regulating criminal proceedings, and shall keep in his office the statutes of this State, and of the United States, and all necessary works on criminal law. He shall give information and advice touching said laws gratuitously to all police officers and magistrates officially asking for it.

SEC. 2. In case of great public emergency or danger, he may, with the consent of said Board and the Supervisors, appoint during such emergency or danger and for a limited time only, an additional number of persons of approved character for honesty and sobriety, as policemen, who shall have the same powers for the time being as other policemen.

SEC. 3. He may from time to time disburse such sums for contingent expenses of said Department as in his judgment shall be for the best interest of the city and county, to be paid out of the contingent expenses allowed said Department; but the aggregate of all such sums shall not in any one fiscal year exceed the sum of ten thousand dollars, and all sums so disbursed shall be subject to the approval of said Board.

SEC. 4. He shall have full control and direction of all members of the Police Force in the lawful exercise of his functions, with full power to detail any of them to such public service as he may direct, and with like power to temporarily suspend any member or officer on said Force, but in all

cases of such suspension he shall promptly report the same to the Board, with the reasons therefor in writing.

SEC. 5. Every member of said Force shall provide himself with the uniform prescribed by the regulations of the Board, which shall be worn on all occasions while on duty, with such exceptions as may be permitted by the Chief of Police in the performance of detective duty. The Chief of Police shall maintain and enforce rigid discipline, so as to secure the complete efficiency of said Force.

## CHAPTER V.

### OF THE DUTIES OF POLICEMEN.

SECTION 1. Policemen, in subjection to the orders of their respective Captains, under the general direction of the Chief of Police, must be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels and disturbance of the public peace, the execution of process from the Police Court, in causing the abatement of public nuisances, and the enforcement of the laws and the ordinances of said city and county, and shall report in writing to the Chief of Police, daily, any infraction thereof.

SEC. 2. Each member of the Police Force, under the penalty of a fine of fifteen days' pay, or dismissal from the Force, at the discretion of the Board, shall, immediately upon making an arrest, convey in person the offender before the nearest sitting magistrate, that he may be dealt with according to law. If the arrest is made at a time when the magistrate is not holding Court, such offender may be detained in a station house until the next public sitting of the magistrate, and no longer, and shall then be conveyed without delay before a magistrate, to be dealt with according to law; and said Board shall make rules and regulations to prevent the undue detention of persons arrested.

SEC. 3. Every member of the Police Force shall take and subscribe the constitutional oath of office before entering upon the duties of his office.

SEC. 4. Every policeman shall, on the arrest of any notorious or dangerous offender, or any person charged with the commission of a grave crime, search the person of such offender, and take from him all property and weapons, and forthwith deliver the same to the Prison Keeper, who must deliver the same to the Property Clerk, to be by him kept until other disposition be made thereof according to law. All persons arrested for drunkenness, and who are in an apparently stupefied or senseless condition, must be exam-

ined by the City Physician or the Assistant City Physician before being placed in a cell, and if upon such examination such person shall not be found intoxicated, or if otherwise necessary, he or she shall be conveyed to one of the receiving hospitals and placed under medical treatment.

SEC. 5. No member of the Police Department shall be eligible to any other office while connected with such Force, nor shall he take any part whatever in any convention held for the purposes of a political party; nor shall he be a member of any political club. No member of said Force shall interfere with politics on an election day, or at any other time while employed on said Force. No member of said Force, while on duty, shall enter any liquor saloon, bar-room or place where liquors are retailed, except in the discharge of his duties. Any violation of any of the provisions of this section shall be cause for removal from office.

SEC. 6. No member of the Police Force shall engage in any other profession or calling, become bail for any person charged with any offense whatever, recommend to persons charged with crime the employment of any particular attorney, receive any present or reward for services rendered, or to be rendered, unless with the approbation of a majority of the Board, expressed in writing; or be allowed pay for any period during which he has been absent from duty, unless such absence resulted from sickness, or from disability occasioned by injuries received in the discharge of his official duty.

SEC. 7. Any member of said Force, soliciting, collecting or receiving, or causing or permitting others to do so for his benefit, any money or other thing, for guarding or protecting, or on pretence of so doing, the person or property of any person, shall be dismissed from the service, except that special police officers shall be subject, as to compensation and reward, to the provisions of Subdivision 5, of Section 1, of Chapter II, of this Article.

## CHAPTER VI.

### OF SUSPENSIONS AND REMOVALS.

SECTION 1. Any member of the Police Force guilty of any legal offense, neglect of duty, violation of rules, or neglect or disobedience of orders, or inefficiency, or absence without leave, or conduct injurious to the public peace or welfare, or immoral conduct, or conduct unbecoming an officer, or breach of discipline, shall be liable to be punished by reprimand, forfeiting pay for a specified time, or dismissal from the Force; but no more than fifteen

days' pay shall be forfeited for any one offense. All moneys so forfeited shall be for the benefit of the Police Relief and Pension Fund.

SEC. 2. Members of said Force shall be subject to removal or punishment for any of the reasons specified in the preceding section, only upon trial before the Board of Police Commissioners. Charges when presented by the Chief of Police, or a Captain, or a Sergeant of Police, or in a verified complaint by any person, setting forth the specific acts complained of, shall be received, considered and determined by said Board, giving to the accused such reasonable notice as it may prescribe, and an impartial hearing in his defense; and upon such hearing the accused shall have the right to be heard in person or by counsel. Upon such trial, said Board shall furnish the accused with all reasonable facilities for the conduct of his defense, and secure to him, free of charge, the attendance of all witnesses reasonably necessary for his defense.

## CHAPTER VII.

### OF LOST OR STOLEN PROPERTY.

SECTION 1. All property or money alleged or supposed to have been feloniously obtained, or which has been lost or abandoned, and which shall hereafter be taken into the custody of any member of the Police Force, or of any Criminal Court in said City and County or any Police Judge, shall be by such member, Court or Judge, given into the custody of the Property Clerk. All such property and money shall be registered by such Clerk in a book kept for that purpose, which shall also contain a record of the names of the persons from whom such property or money was taken, the names of all claimants thereto, the time of the seizure, and the disposition thereof.

SEC. 2. When property or money shall be taken from any person arrested, and it be alleged that it was feloniously obtained, or is the proceeds of crime, and it is brought with the claimant thereof, and the person arrested before a Judge or Court for adjudication, and the Judge or Court shall be satisfied that the person arrested is innocent of the offense alleged, and that the property belongs to him, said Court or Judge may thereupon, in writing, order such property or money to be returned, and the Property Clerk to deliver such property or money to the accused, personally, but not to any attorney, agent or clerk of such person.

SEC. 3. If any claim to the ownership of such property or money shall be made on oath before such Judge or Court, by or on behalf of any person other than the person arrested,

and the accused person shall be held for trial or examination, such property or money shall remain in the custody of the Property Clerk until the discharge or conviction of the person accused.

SEC. 4. All property or money taken on suspicion of having been feloniously obtained, or being the proceeds of crime, and for which there is no other claimant than the person from whom such property was taken, and all lost property coming into the possession of any member of said Force, and all property and money taken from pawnbrokers as the proceeds of crime, or taken from persons supposed to be insane, intoxicated, or otherwise incapable of taking care of themselves, shall be delivered as soon as practicable to the Property Clerk.

SEC. 5. All unclaimed property and money that has been in the custody of the Property Clerk for the period of one year, shall be sold at public auction, after having been three times advertised in the official newspaper; and the proceeds of such sale shall be paid into the Treasury to the credit of the General Fund. When it is necessary to use such property as evidence it shall not be sold or disposed of until the necessity for the use thereof as evidence has ceased, and thereupon it shall be disposed of as hereinbefore provided. The proceeds of property taken from persons supposed to be insane, shall not become part of said Fund until after the expiration of three years from the time when the same shall come into the Treasury. The Chief of Police and said Board, immediately after the seizure or finding of any property of any such supposed insane person, must endeavor to find the guardian or other person entitled to the possession of such property, or the proceeds thereof, and deliver the same to him; but if such person cannot be found, and the proceeds of said property remain unclaimed for said period of three years, then the same shall become part of said Fund.

SEC. 6. If any property or money in the custody of the Property Clerk be required as evidence in any Court, it shall be delivered to any officer who shall present an order, in writing, to that effect, from such Court. Such property or money, shall not be retained in such Court, but be returned to said Property Clerk.

## CHAPTER VIII.

### OF THE POLICE RELIEF AND PENSION FUND.

SECTION 1. The Police Relief and Pension Fund shall consist of the moneys paid into said Fund as in the next section provided; of fines collected from members of said Force, and of such other moneys as may be contributed

thereto by gift, devise, bequest or otherwise. Said Fund shall be under the control and management of the Board of Police Commissioners.

SEC. 2. On the first Monday in each month there shall be transferred by the Treasurer from the General Fund to said Fund, a sum aggregating two dollars for each member regularly enrolled on the Police Force. A certificate under oath of such enrollment must be furnished, monthly, by the Clerk of the Board of Police Commissioners, to the Auditor and Treasurer.

SEC. 3. Said Board may from time to time, as in its judgment it may deem best, invest the moneys of the said Fund in such of the following securities as shall seem most safe and profitable: the bonds of the City and County of San Francisco; the bonds of the State of California; the bonds of the United States of America; or it may loan at interest the whole or any portion of said moneys upon said securities. The securities and evidences of any such loan shall be delivered to and held by the Treasurer who shall be responsible therefor on his official bond; and he shall not deposit, pledge, or in any way part with said securities, or the evidences of any such loan, except on the order of said Board. Upon making any such investment or loan, said Board shall immediately make a report thereof in writing, with all particulars, to the Auditor.

SEC. 4. Said Board may, by a unanimous vote, relieve from service or retire from all service in the Police Department, any member thereof who shall, upon an examination by a physician designated by said Board, be found disqualified, physically or mentally, for the performance of his duties; and the said member, so retired from service, shall receive from said Fund, as hereinafter provided, an annual allowance as pension in case of total disqualification for service, or as compensation for limited service in case of partial disability. Said pension or allowance shall be in lieu of such salary as he may have previously received; and he shall not receive any other or further compensation for any service which he may thereafter render to or perform in said Department.

The amount of such pension or allowance shall be determined as follows: In case of total permanent disability, caused in, or induced by, the actual performance of his duties, or which may occur after ten years actual and continuous service in said Department, the amount of annual pension to be allowed shall not be more than one-third of the annual salary received by such member, at the date of his retirement from service; or he may be allowed such less sum in proportion to the number of persons in receipt of an allowance from said Fund as its condition will warrant,

the same to be determined, and increased or diminished from time to time by said Board.

In case of partial permanent disability caused in, or induced by, the actual performance of his duties or which may occur after ten years active and continuous service in said Department, the member so disabled may be relieved from active service but shall remain an employee of the Force, subject to the rules governing the same and to the performance of such duties as the physician designated by said Board may certify that he is qualified to perform; and the annual compensation to be paid to such member shall not be more than one-third in amount of the annual salary received by him at the date of his being relieved from active service; or he may be paid such less sum in proportion to the number of persons receiving an allowance from said Fund as its condition will warrant, the same to be determined and increased or diminished from time to time by said Board.

If any member, or retired member of said Department, shall die while in the service of the same, or while so retired, and shall leave a widow, or, if no widow, a child or children under the age of sixteen years, a sum not exceeding six hundred dollars a year, or such less sum as in the opinion of said Board the circumstances require, or the condition of the Fund warrant, shall be paid to such widow so long as she remains unmarried, or to such child or children until they respectively attain the age of sixteen years. In every such case said Board shall determine the circumstances thereof, and order payment of the annuity to be made in such proportion to the parties entitled thereto, in case there be more than one, as it may deem just; but nothing herein contained shall render any payment of said annuity obligatory or chargeable as matter of legal right; and said Board may at any time order said annuity to be reduced or to cease.

SEC. 5. In case such Fund shall not be sufficient to pay the demands on it, such demands shall be audited and registered, and paid in their order out of the Fund, as received. The city and county shall never be liable for any deficiency in said Fund.

## CHAPTER IX.

### OF THE FIRE MARSHAL.

SECTION 1. The Board of Police Commissioners, upon the written recommendation of the Board of Directors of the corporation known as the "Underwriters' Fire Patrol of San Francisco," may appoint such persons as may be recommended by said Board of Directors, as Fire Marshal and Assistant Fire Marshal. Any vacancy occurring in the office of Marshal or Assistant Marshal shall be filled in the

same manner. Said Board of Police Commissioners may revoke any of such appointments at any time.

SEC. 2. Said Marshal shall attend all fires which may occur in said city and county, with his badge of office conspicuously displayed, and shall as far as practicable, protect all property which may be imperiled at any such fire, and prevent such property from being injured.

SEC. 3. Said Marshal may appoint one or more persons during the time of fire for the purpose of saving and protecting property thereat, and until it shall be delivered to the owner or claimant thereof; but no expense of caring for and protecting such property for more than twenty-four hours shall be charged to the owner when such property is not insured. If such property be insured no charge shall be made therefor. Said person or persons, so appointed, shall have, during such period, the authority and power of a policeman; and shall be known as the Fire Marshal's Police; and each of such persons shall wear, while in the discharge of duty, conspicuously displayed on his person, such badge as the Board of Police Commissioners shall designate.

SEC. 4. Said Marshal shall investigate the cause of all such fires, and in all cases where he shall believe that a crime has been committed, make a written report of such investigation to the District Attorney.

SEC. 5. Said Marshal shall exercise the functions of a police officer and in all investigations of the causes of such fires as shall occur he shall have power to issue subpoenas and administer oaths. Such subpoenas shall be served by any police officer.

SEC. 6. Said Marshal must, on the first Monday of every month, file with the Clerk of the Supervisors a statement and report, under oath, of his official acts during the previous month, together with a description of all property then in his possession, or under his control as such Marshal, including an itemized account of all moneys officially received and disbursed by him during said previous month, and of all moneys deposited by him with the Treasurer.

SEC. 7. Said Marshal shall aid in the enforcement of the fire ordinances, and for this purpose may visit and examine all buildings in process of construction or undergoing repair. He shall have and exercise all the powers of a Fire Warden. Said Marshal, by and with the consent of the Board of Police Commissioners, may appoint not exceeding six deputies, to aid him in the discharge of his duties; said deputies to be nominated by said Board of Directors of said Fire Patrol.

He shall exercise such other powers as may be con-

ferred upon him by ordinance; and the Supervisors may, from time to time, enact such ordinances as will enable him to fully carry out the object and purposes of this chapter.

SEC. 8. The Chief of Police may detail such police officers as he may deem necessary, to enable said Marshal to effectually perform his duties, and when so detailed said police officers shall aid him in the performance of his duties.

SEC. 9. The Assistant Fire Marshal shall aid said Marshal in the performance of the duties of his office, and in the absence of said Marshal from a fire, or in case of his inability to perform his duties, said Assistant Marshal shall, for the time being, perform such duties.

SEC. 10. Nothing in this Chapter contained shall be so construed as to authorize said Marshal to interfere in any manner with the discharge of the lawful duties and authority of the Fire or Police Department.

SEC. 11. The salary and pay of said Marshal and Assistant Marshal, and of said Deputies, shall be fixed and paid by said Board of Directors of said "Underwriters' Fire Patrol of San Francisco," and in no event shall the city and county be liable therefor, or for any part thereof.

## ARTICLE X.

### Fire Department.

#### CHAPTER I.

##### OF ORGANIZATION AND POWERS.

SECTION 1. The Fire Department shall be under the management of a Board of three Commissioners, who shall be appointed by the Mayor, and shall hold office for four years. Those first appointed shall so classify themselves by lot at their first meeting, that one of them shall go out of office at the end of two years, one at the end of three years, and one at the end of four years. No Fire Commissioner shall be eligible to any office under the city and county government, during the term for which he was appointed. Immediately after the qualification of the Commissioners, they shall organize by electing one of their number President, who shall hold such office for one year, and they may elect a Secretary. Said Board shall meet at least once in each month, and may meet and adjourn from time to time, as the business of the Department may require, and all their meetings shall be public. No more than two of said Board shall be of the same political party. Said Secretary shall also be the Secretary of the Chief Engineer, and shall perform such duties as said Board may prescribe.

SEC. 2. The Board shall supervise, and possess full power and authority, over the organization, government and discipline of the Fire Department, and shall, subject to the laws and ordinances governing said Department, prescribe the duties of the officers, members and employees, and a uniform and badge of office to be worn by them, and shall have control of all the property and equipments belonging thereto. All officers, members and employees of said Department shall be appointed by said Board, and said officers and members shall retain their positions during good behavior, except the Chief Engineer, who shall be appointed for four years. Every person appointed must be a citizen of the United States, of good character for honesty and sobriety, able to read and write the English language, and a resident of said city and county at least three years next preceding his appointment; and except those in service in said Department at the time this Charter takes effect, every appointee hereafter shall be not less than twenty-one years, or more than thirty-five years of age, and must, before his appointment, pass a medical examination, under such rules and regulations as may be prescribed by said Board, and be found on such examination to be in sound health. No officer, member or employee of said Department shall be appointed or removed for political reasons, or except for cause. Said Board shall see that the officers, members and employees of said Department faithfully discharge their duties, and that the laws, ordinances and regulations relating thereto are carried into effect, and make all rules and regulations necessary to secure discipline and efficiency in said Department; and, to enable it to enforce such rules and regulations, it may impose reasonable fines and forfeitures upon the officers, members and employees for a violation thereof, and for neglect of duty or misconduct, and enforce the collection thereof. All fines and forfeitures so collected shall be paid to the Treasurer, who shall keep the same in a fund to be known as the "Firemen's Relief and Pension Fund," which said Fund shall be under the control of said Board, which is authorized to disburse the same in the cases hereinafter set forth; all drafts upon said Fund must be signed by the President and Secretary of the Board, and audited by the Auditor.

SEC. 3. No article whatever shall be delivered to said Department, except upon the requisition of the Chief Engineer, and the Clerk of the Fire Department Yard shall not deliver any stores or supplies pertaining to said Department to any officer, member or employee, except upon an order signed by the Chief Engineer and the Secretary of said Board; *provided*, that pending a conflagration, such material

or apparatus as may be required for the purpose of extinguishing such conflagration may be withdrawn from the Fire Department Yard on an order by the Chief Engineer.

SEC. 4. Every claim against said Department shall be subject to approval by said Board, and no claim of any character whatever which should be charged to the Fire Department Fund shall be allowed or ordered paid by the Supervisors, until the same has been approved by the said Board, in open session, on a call of the ayes and noes, which approval shall be entered in the minutes of the Board. A certificate that the claim has been so approved shall be indorsed on the claim, and signed by the President and Secretary of the Board, before the same can be allowed or ordered paid by the Supervisors.

SEC. 5. Such Board shall determine and report to the Supervisors as to the necessity of constructing cisterns and erecting hydrants in particular localities; also, as to the necessity for new or additional apparatus and fire boats, and for material, supplies, engines, horses, hose, hooks and ladders, and also as to the alterations and repairs, and as to material required for the efficient working of the Fire Alarm and Police Telegraph, and also as to the number of companies, officers, members and employees of the Fire Department and Police Telegraph; but the action of the Board with respect to the necessity of these matters shall only be advisory to the Supervisors, and no increase in the apparatus, material, houses, companies, officers, members, or employees, or other matters shall be made, until the same shall have been authorized by the Supervisors by ordinance. All contracts let and work ordered for said Department shall be let and ordered by the Supervisors, and said Board shall supervise all said work done for the Fire Department and Fire Alarm and Police Telegraph, except work authorized by this Charter to be done under the supervision of the Board of Public Works, and shall see that all contracts awarded and work done are faithfully performed.

SEC. 6. The Supervisors may, by ordinance passed by the affirmative vote of not less than nine members of each Board, upon the recommendation of the Board of Fire Commissioners, increase or diminish the number of companies, officers, members and employees of the Fire Department, and of the Fire Alarm and Police Telegraph. On like recommendation, showing the necessity for the work, supplies or materials, referred to in section 5, of this Chapter, the Supervisors may award contracts therefor. The Supervisors shall provide and furnish for the use of said Board suitable rooms in one of the public buildings as an office for the transaction of the business of said Department. The Secretary and the Janitor shall be in attendance at such office daily

during office hours. The Chief Engineer and his Assistant shall make it their headquarters daily during office hours, when not otherwise engaged in official duties. The Supervisors shall furnish the Chief Engineer, the Assistant Chief Engineer and the District Engineers, each, with a horse and buggy, and provide for the keeping of the same. The Board is also authorized to establish and maintain at the Fire Department yard a workshop for making repairs and improvements upon apparatus for said Department. The Supervisors may allow and order paid out of the amount allowed to be expended for repairs and other expenses of said Department, the necessary expenses of said workshop, and in addition to the sums herein referred to, may appropriate and cause to be paid such sums as may be necessary to pay the salaries of the Superintendent, Operators and Repairers of the Fire Alarm and Police Telegraph, and for the maintenance, repair and extension of the same, and to defray the cost of instruments and machinery therefor; and for such horses and vehicles as may be necessary for the use of said branch of the Department.

SEC. 7. Until otherwise provided by the Supervisors, there shall be attached to the Fire Department fifteen steam fire engine, eight hose, and five hook and ladder, companies. Fire extinguishers may be purchased and employed, if said Board deem it advisable. The companies of said Department shall be organized as follows: Each steam fire engine company shall consist of one Foreman, one Engineer, one Driver, one Fireman and six Hosemen, one of whom shall act as Assistant Foreman and one as Clerk. Each hook and ladder company shall consist of one Foreman, one Driver, one Tillerman and ten Hook-and-Ladder-men, one of whom shall act as Assistant Foreman and one as Clerk. Each hose company shall consist of one Foreman, one Driver, one Steward and four Hosemen, one of whom shall act as Assistant Foreman and one as Clerk. Every officer, member and employee of the Fire Department shall be always on duty (except when granted leave of absence by the Chief Engineer), and shall not engage in any other occupation or business requiring his personal attention. The Chief Engineer shall appoint one member of each company to act as Assistant Foreman, and one member to act as Clerk.

SEC. 8. The Board shall divide said city and county into districts, and assign one of the District Engineers to each district. Each District Engineer shall reside in the district to which he has been assigned, and be responsible for the condition of the apparatus and the discipline of the men in said district.

SEC. 9. The Chief Engineer shall be the executive officer of said Department, and it shall be his duty, and

that of the Assistant Chief Engineer and District Engineers to see that the laws, orders, rules, regulations and ordinances concerning the same are carried into effect, and to attend to such duties as Fire Wardens as may be prescribed by said Board, and to see that all laws, orders and regulations established in said city and county to secure protection against fire are enforced. The Chief Engineer may suspend any subordinate officer, member or employee for incompetency or for any violation of the rules and regulations of the Department, and shall forthwith report, in writing, such suspension, with his reasons therefor, to said Board for its action. He shall diligently observe the condition of the apparatus and the working of the Department, and report, in writing, thereon, at least once in each week, to the said Board, and make such recommendations and suggestions respecting it as he may deem proper; and in the absence or inability to act of the Chief Engineer, the Assistant Chief Engineer shall perform the duties of Chief Engineer.

SEC. 10. The Chief Engineer, or in his absence the Assistant Chief Engineer, or in the absence of both, any District Engineer may, during a conflagration, cause to be cut down or otherwise removed, any building or structure for the purpose of checking the progress of such conflagration.

SEC. 11. The Storekeeper of the Fire Department Fund must receipt in duplicate for all articles placed in his charge, and immediately enter the same in a book kept in his office for that purpose. One of said receipts shall be filed with the Secretary of said Board. Said Storekeeper shall take duplicate receipts for all articles delivered by him for use in the Department, and file one of said receipts with the Secretary of said Board. On the first day of each month said Storekeeper shall file in the office of the Board a statement of the articles received during the preceding month; a list of the articles delivered for use in the Department during the same time, with the names of the officer and company to whom delivered; a full inventory of the articles remaining in his custody, and a list of articles that will probably be required to enable him to supply the Department during the ensuing month.

SEC. 12. The Supervisors shall maintain a Fire Alarm and Police Telegraph, which shall be in charge of the Board of Fire Commissioners, who shall appoint the Superintendent thereof, and regulate and control the employees thereof in like manner with other employees of the Fire Department.

Said Superintendent shall retain his position during

good behavior, and shall appoint the following employees, with the approval of the Board of Fire Commissioners, viz: Four Operators, one Foreman of Construction, and three Repairers.

All electric light or power, telegraph or telephone, wires erected or maintained in said city and county shall be subject to the supervision and inspection of said Superintendent, and shall be located, laid, erected and maintained only in such manner as may be approved by him, and so as not to endanger the wires or apparatus of said Fire Alarm and Police Telegraph.

The Supervisors, upon the recommendation of said Board, shall appropriate such sum as may be necessary, not exceeding fifteen thousand dollars a year, for the repair and extension of said telegraph, and to defray the cost of instruments and machinery therefor, and for such horses and vehicles as may be necessary for the use of said Superintendent.

SEC. 13. In all investigations or trials conducted by said Board, the President thereof shall have power to issue subpoenas for the attendance of witnesses before it. Subpoenas issued by the President shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigations or trials.

SEC. 14. The Chief Engineer, Assistant Chief Engineer, the District Engineers, the Superintendent and Assistant Superintendent of Steam Fire Engines, while on duty, shall be vested with all the powers of arrest and detention, and other constabulary authority vested in police officers.

SEC. 15. The Fire Commissioners shall not, nor shall either of them, or any officer, member, or employee of the Fire Department, receive any gratuity or advantage from any contractor, laborer, or person performing labor for, or furnishing materials or supplies to, said Department. A violation of the provisions of this section shall be cause for removal of the officer, member or employee guilty of such violation.

SEC. 16. No member of said Board shall, during his term of office, be a member of any convention held for political purposes, nor shall any of the officers, members, or employees of said Department take any part whatever in any convention held for political purposes, or be a member of any political club; nor shall any member of said Board, directly or indirectly, control or attempt to control or influence the action of any officer, member, or employee of said Department, at any primary or other political election. No officer, member or employee of said Department shall appear at the polls of any election except

for the purpose of depositing his vote; or levy, collect, or pay any money as an assessment or as a voluntary contribution for political purposes. Any member of said Board or Department violating any of the provisions of this section shall forfeit his position.

SEC. 17. When an officer, member or employee of said Department shall become disabled by reason of injuries received at any fire, so as to be unable to perform his duties, and is not retired from service, as hereinafter provided, the Supervisors, upon the unanimous recommendation of the Fire Commissioners, may allow out of the Fire Department Fund, said disabled man, a sum not exceeding fifty dollars a month, for a time not exceeding three months.

SEC. 18. Within ten days after the organization of the Board of Fire Commissioners provided for in this Charter, said Board shall re-organize the Fire Department of the city and county so as to conform to the provisions of this Article, and in so doing said Board shall appoint as such officers, members and employees, those persons now constituting the same; *provided* that where in this Article any reduction is made in the force of said Department, or in the companies thereof, the Commissioners are authorized to discharge from said Department those persons whose discharge, in their judgment, shall be most conducive to the efficient re-organization of the Department; and until such re-organization is made said Fire Department shall remain organized according to the laws in force at the time this Charter takes effect.

## CHAPTER II.

### OF SUSPENSIONS AND REMOVALS.

SECTION 1. Any officer or member of the Fire Department, other than the Fire Commissioners, guilty of any neglect of duty, violation of rules, or neglect or disobedience of orders, or absence without leave, or conduct injurious to the public peace or welfare, or immoral conduct, or breach of discipline, shall be liable to be punished by reprimand, withholding pay for a specified time, or dismissal from the Department; but not more than thirty days' pay shall be forfeited or withheld for any one offense.

SEC. 2. Such officers or members shall be subject to removal or punishment only upon trial before the Commissioners. Charges, when presented by any officer of the Fire Department, or in a verified complaint by a citizen of said city and county, setting forth the specific acts complained of, shall be received, considered and determined by said

Board. The accused shall be furnished with a written copy of the charges against him at least three days previous to the trial, and he shall have an opportunity to examine witnesses in his defense. The Board shall furnish the accused with all reasonable facilities for the conduct of his defense, and secure to him, free of charge, the attendance of all witnesses necessary therefor. All witnesses shall be examined on oath, and all trials shall be public.

### CHAPTER III.

#### OF OFFICERS, MEMBERS AND EMPLOYEES.

SECTION 1. The officers, members and employees of the Fire Department (including the Fire Alarm and Police Telegraph) shall be as follows, viz:

Three Fire Commissioners; a Secretary; a Chief Engineer; an Assistant Chief Engineer; four District Engineers; fifteen Foremen, fifteen Engineers, fifteen Drivers, fifteen Firemen and ninety Hosemen of Engine Companies; five Foremen, five Drivers and five Tillermen of Hook and Ladder Companies; forty-five Hook and Ladder Men; eight Foremen, eight Drivers, eight Stewards and thirty-two Hosemen of Hose Companies; a Storekeeper of Fire Department Yard; a Fire Department Yard Drayman; a Janitor and Messenger of the Fire Department; a Superintendent of Steam Fire Engines; a Foreman of Repair Shop; an Assistant Superintendent of Steam Fire Engines; a Substitute Engineer and Machinist; a Night Watchman for the Fire Department Yard; two Hydrantmen; a Veterinary Surgeon; a Carpenter; a Hostler; a Superintendent of the Fire Alarm and Police Telegraph; four Fire Alarm and Police Telegraph Operators; a Foreman of Construction of the Fire Alarm and Police Telegraph, and three Fire Alarm and Police Telegraph Repairers.

### CHAPTER IV.

#### OF THE FIREMEN'S RELIEF AND PENSION FUND.

SECTION 1. The Firemen's Relief and Pension Fund shall consist of the moneys paid into said Fund, as in the next section provided; of fines collected from members of said Department, and of such other moneys as may be contributed thereto by gift, devise, bequest or otherwise. Said Fund shall be under the control and management of the Board of Fire Commissioners.

SEC. 2. On the first Monday in each month there shall be transferred by the Treasurer from the General Fund to the Firemen's Relief and Pension Fund a sum aggregating

two dollars for each officer and member regularly enrolled in the Fire Department. A certificate, under oath, of such enrolment must be furnished monthly by the Secretary of the Board of Fire Commissioners to the Auditor and Treasurer.

SEC. 3. Said Board may, from time to time, invest the moneys of said Fund in such of the following securities as shall seem most safe and profitable: the bonds of the City and County of San Francisco; the bonds of the State of California; the bonds of the United States of America; or it may loan at interest the whole or any portion of said moneys upon said securities. The securities and evidences of any such loan shall be delivered to and held by the Treasurer, who shall be responsible therefor on his official bond, and he shall not deposit, pledge, or in any way part with, any of said securities, or the evidences of any such loan, except on the order of said Board. Upon making any such investment or loan, said Board shall immediately make a report thereof in writing, with all particulars, to the Auditor.

SEC. 4. Said Board may, by a unanimous vote, relieve from service at fires or retire from all service in the Fire Department, any officer or member thereof who shall, upon an examination by a physician designated by said Board, be found to be disqualified, physically or mentally, for the performance of his duties; and said officer or member, so retired from service, shall receive from said Fund, as hereinafter provided, an annual allowance as pension in case of total disqualification for service, or as compensation for limited service in case of partial disability. Said pension or allowance shall be in lieu of such salary as he may have previously received; and he shall not receive any other or further compensation for any services which he may thereafter render to or perform in said Department.

The amount of such pension or allowance shall be determined as follows: In case of total permanent disability, caused in, or induced by, the actual performance of his duties, or which may occur after ten years actual and continuous service in said Department, the amount of annual pension to be allowed shall not be more than one-third of the annual salary received by such officer or member at the date of his retirement from service, or such less sum in proportion to the number of persons in receipt of an allowance from said Fund as its condition will warrant, the same to be determined, and increased or diminished from time to time by said Board.

In case of partial permanent disability caused in, or induced by, the actual performance of the duties of his position, or which may occur after ten years active and con-

tinuous service in said Department, the officer or member so disabled may be relieved from active service at fires, but shall remain an employee of the Department, subject to the rules governing the same, and to the performance of such duties as the physician designated by the said Board may certify that he is qualified to perform; and the annual compensation to be paid to such officer or member shall not be more than one-third in amount of the annual salary received by him at the date of his being relieved from active service, or such less sum in proportion to the number of persons receiving an allowance from said Fund as its condition will warrant, the same to be determined and increased or diminished from time to time by said Board.

If any officer or member, or retired officer or member, of said Department shall die while in the service of the same, or while so retired, and shall leave a widow, or if no widow, a child or children under the age of sixteen years, a sum not exceeding six hundred dollars a year, or such less sum as in the opinion of said Board the circumstances require, or the condition of the Fund warrant, shall be paid to such widow so long as she remains unmarried, or to such child or children until they respectively attain the age of sixteen years. In every such case said Board shall determine the circumstances thereof, and order payment of the annuity to be made in such proportion to the parties entitled thereto, in case there be more than one, as they may deem just; but nothing herein contained shall render any payment of said annuity obligatory or chargeable as matter of legal right, and said Board may at any time order said annuity to be reduced or to cease.

SEC. 5. In case such Fund shall not be sufficient to pay the demands on it, such demands shall be audited and registered, and paid in their order out of the Fund, as received. Said city and county shall never be liable for any deficiency in said Fund.

## ARTICLE XI.

### Health Department.

#### CHAPTER I.

##### OF THE BOARD OF HEALTH.

SECTION 1. There shall be a Health Department under the management of a Board of Health. Said Board shall consist of five members, viz: the President of the Board of Aldermen, who shall be President of said Board; a Sanitary Engineer, who shall be a licensed plumber in said city and county, and who has been a master workman for at least

ten years next preceding his appointment; and three Physicians, who are electors of said city and county. Said Physicians and Sanitary Engineer shall be appointed by the Mayor, and shall, respectively, hold office for four years. Those first appointed shall so classify themselves by lot, that one shall go out of office at the end of one year; one at the end of two years; one at the end of three years; and one at the end of four years. The members of said Board shall receive no compensation. Said Board shall be the successor of the Board of Health at present existing.

SEC. 2. Said Board shall be provided by the Supervisors with an office, to be known as the Health Office, in which it shall hold its official meetings. Meetings shall be held once a month, and when called by the President, or by any three members of the Board, and shall be public. Four members shall constitute a quorum.

SEC. 3. Said Board, subject to the ordinances of the Supervisors, shall have supervision of all matters appertaining to the sanitary condition of said city and county and public institutions thereof.

SEC. 4. No member of said Board shall be appointed or elected by it to any office or employment in said Department.

SEC. 5. Said Board may appoint a Secretary, Assistant Secretary and Messenger, who must be electors of said city and county. The Secretary shall keep a record of the proceedings of said Board, act as Clerk to the Health Officer, have the custody of the records and documents of the Health Office, and perform such duties as may be prescribed by said Board or the Health Officer.

SEC. 6. Said Board shall appoint a Health Officer, who must be a physician. He shall hold office during the pleasure of the Board, and must reside in said city and county during his incumbency of office.

SEC. 7. The Health Officer shall be the executive officer of said Board, and must see that the ordinances of said city and county in relation to the public health and the rules and regulations of said Board, are enforced. He shall make to said Board an annual report of the affairs of his office, including mortuary and other statistics, with such observations and recommendations relating to the sanitary condition of said city and county and its public institutions as he shall deem proper. He shall visit once in each quarter all public buildings in said city and county, and in every six months, every public school in said city and county. During such visits he shall examine the buildings as to the manner in which they are lighted, ventilated and heated, and particularly as to their sanitary condition. At the meetings of said Board in the months of January,

April, July and October he shall report the result of his examinations.

SEC. 8. When it shall be certified to said Board by the Health Officer that any building, or any part thereof, is unfit for human habitation by reason of infection, said Board may issue an order, and cause the same to be affixed conspicuously on the building, and personally served upon the owner, agent, or lessee thereof, if he can be found in this State, requiring all persons therein to vacate such building, or said part thereof, for the reasons to be stated in said order. Such building, or said part thereof, shall be vacated within ten days thereafter, or within such shorter time, not less than twenty-four hours, as in said order may be specified. Said Board, when satisfied that danger from said building, or said part thereof, has ceased, may revoke said order.

SEC. 9. The Health Officer shall, in writing, report to the Superintendent of Public Schools the name and residence of every person sick with Asiatic cholera, small-pox, scarlatina, diphtheria, measles, yellow, ship, or typhus fever, or any contagious disease.

Said Superintendent, when so notified, must refuse admittance to the Public Schools of any member of a household, one or more of whose inmates are sick from any of the aforesaid diseases. The person excluded shall be admitted upon presenting a certificate from his attending physician, or from the Health Officer, that there is no longer any danger from contagion.

SEC. 10. When a case of small-pox, Asiatic cholera, or yellow fever is reported to the Health Officer, he shall immediately visit the premises where the person is, and, if upon personal inspection he shall find the existence of either of said diseases, he shall immediately place a yellow or quarantine flag in a conspicuous place on said premises, or post upon the doorway of the house infected with such disease a placard setting forth the fact, which shall remain during the continuance of the disease on said premises.

SEC. 11. The Health Officer may cause to be removed to a small-pox hospital any person in said city and county affected with small-pox. When a case of small-pox exists in any house, and the person so affected is not moved to said hospital, the Health Officer shall immediately place a yellow or quarantine flag in a conspicuous place on said premises, and place a competent person in charge thereof, who shall see that a quarantine is strictly enforced so long as the Health Officer deems it necessary for public safety.

SEC. 12. The Health Officer shall give personal attention to gratuitous vaccination, and shall be assisted therein, when necessary, at the Health Office by the Assistant City Physician.

SEC. 13. Said Board shall appoint six Health Inspectors and two Market Inspectors, and prescribe their duties. In time of epidemic said Board may appoint such additional Health Inspectors as it may deem necessary.<sup>1</sup>

SEC. 14. Said Board shall appoint a City Physician and an Assistant City Physician. The City Physician shall have charge of the City Receiving Hospital, attend the sick in the County Jail, and visit said Hospital and Jail daily. He shall attend and prescribe for the indigent sick at certain hours of the day at his office, and perform such other duties as said Board may prescribe.

The Assistant City Physician shall attend as required, at all hours, upon the wounded in the City Receiving Hospital; perform all autopsies for the Coroner; examine all applicants for the police force, and all members of the police force who apply for benefits from the "Police Relief and Pension Fund;" and shall assist the Health Officer in the matter of gratuitous vaccination, and perform such other duties as said Board shall prescribe.

The City Physician and Assistant City Physician shall respectively attend the sick in the House of Correction and School of Industry when requested by the Superintendent of either of said Institutions.

SEC. 15. Said Board shall cause to be kept in the Health Office a record of all births, deaths and burials occurring in said city and county.

SEC. 16. Superintendents of Cemeteries in said city and county must report in writing to the Health Officer, on each Monday, the names of all persons who have been buried or deposited within their respective cemeteries for the preceding week.

## CHAPTER II.

### OF QUARANTINE.

SECTION 1. Said Board shall appoint a Quarantine Officer, who must be a physician and elector of said city and county. He shall perform such duties as may at any time be imposed upon him by said Board or by law or ordinance. Said Board may also appoint one Master, one Engineer, and two Boatmen, who shall perform such duties as said Board may prescribe.

## CHAPTER III.

### OF THE CITY AND COUNTY HOSPITAL, ALMSHOUSE, SMALL-POX HOSPITAL AND CITY RECEIVING HOSPITAL.

SECTION 1. Said Board shall appoint for the City and County Hospital a Superintendent who shall be a physician, and shall prescribe his duties. He shall reside at said Hospital, and shall not engage in any other business.

SEC. 2. Said Board shall appoint an Apothecary and an Assistant Apothecary. It shall also appoint two Visiting Physicians and two Visiting Surgeons for said Hospital from among such physicians as may be nominated by the Faculties of the regularly incorporated Medical Colleges that now or may hereafter exist in said city and county. If no nominations be made by any of said Faculties within thirty days after notice from said Board, said Board may appoint such physicians and surgeons for said Hospital as it may deem best qualified therefor. Said Visiting Physicians and Surgeons shall afford medical students every opportunity for acquiring clinical knowledge consistent with the health and comfort of the sick. Each of said physicians and surgeons may appoint an assistant who shall receive no compensation. Said Visiting Surgeons, in addition to their duties at said Hospital, shall visit the City Receiving Hospital and supervise the treatment and care of the patients therein.

SEC. 3. Said Board shall appoint for said Hospital, after competitive examination, not more than eight House Physicians, and prescribe their duties; they shall receive no pay, but may be provided with board and lodgings. Said Board shall also appoint, upon the recommendation of said Visiting Surgeons, two surgical dressers, who shall be under the direction of said Visiting Surgeons, and be required only to dress wounds and apply surgical remedies and bandages as directed.

SEC. 4. Said Board shall appoint a Superintendent for the Alms House, who must reside therein, and may appoint a Resident Alms House Physician, and prescribe his duties. Said Superintendent shall have charge and management of the inmates, property and grounds of the Alms House.

SEC. 5. Said Board may appoint, whenever required, a Resident Physician for the Small-pox Hospital, and shall prescribe his duties, and shall prescribe rules and regulations for the government of said Hospital.

SEC. 6. The Receiving Hospital shall be for the reception and temporary treatment only of the sick and injured. After receiving such treatment the indigent must be sent to the City and County Hospital. All other persons must be removed, at their own expense, to such place as they or their friends shall designate, unless, in the opinion of either of the Visiting Surgeons or the City Physician, such removal would endanger the person's life.

SEC. 7. The Supervisors shall authorize the appointment of such employees as may, in the judgment of the Board of Health, be necessary to the proper and efficient management of the City and County Hospital and Alms House. The respective Superintendents of said Institutions shall appoint such employees, subject to the approval of said Board.

## CHAPTER IV.

## MISCELLANEOUS.

SECTION 1. Every member of the Board of Health, the Health Officer, Quarantine Officer, and the Secretary of said Board, may administer oaths on matters connected with the Health Department.

SEC. 2. The Physicians, Surgeons and House Physicians mentioned in this Article must be regularly licensed physicians under the laws of this State.

SEC. 3. The Health Officer, Quarantine Officer, Secretary of the Board of Health, Superintendent of the City and County Hospital, and Superintendent of the Alms House, must each, before entering upon the duties of his office, execute a bond, in such sum as may be required by the Supervisors, with two good and sufficient sureties thereon.

## ARTICLE XII.

**Department of Elections.**

SECTION 1. The conduct, management and control of the registration of voters, and of the holding of elections, and of all matters pertaining to elections, in the City and County of San Francisco, shall be vested in and exercised by a Board of Election Commissioners, consisting of four members, who shall be appointed by the Mayor, and shall hold office for four years. Those first appointed must, immediately after their appointment, so classify themselves by lot, that one shall go out of office at the end of one year; one at the end of two years; one at the end of three years, and one at the end of four years. In making said appointments the Mayor shall not appoint more than two from the same political party, and said Board shall always be so composed that there shall never be at any one time more than two Commissioners from the same political party. No special election shall be called by said Board unless the same has been previously ordered by the Supervisors.

SEC. 2. No member of said Board shall, during his term of office, be a member of any convention, the purpose of which is to nominate candidates for office; or act as officer of any election or primary election, or take part in any election except to deposit his vote and when acting as Election Commissioner, at which time he shall only perform such official duties as may be required of him by law and by this Charter.

SEC. 3. Said Commissioners shall organize within ten days after their appointment, by choosing one of their number

President, who shall hold office for one year and until his successor is elected, and shall elect a Registrar of Voters, who shall have the right to participate in the deliberations of said Board without the power to vote. He shall be the Secretary of the Board, and shall keep a record of its proceedings, and shall execute all orders, and enforce all rules and regulations adopted by the Board. He shall hold his office for four years, unless sooner removed for cause, in accordance with the provisions of this Charter.

SEC. 4. Said Board may appoint a Deputy Registrar and such other clerical assistants as in its judgment may be necessary. The Board shall, by resolution adopted by a majority vote of all its members and entered upon its minutes, designate the service to be rendered by such assistants, the rate of compensation, and the term for which they shall be employed. The time of employment so fixed shall not be extended except by like resolution of the Board, nor shall the salary so fixed before the employment, be increased in any case.

SEC. 5. Said Board shall, on or before the second Monday in June preceding each general election, divide the Assembly Districts of said city and county into election precincts, of which there shall be as many as shall be sufficient to make the number of votes polled at any one election precinct not more than five hundred nor less than three hundred, as nearly as can be ascertained and arranged, using streets and avenues as boundaries. In making said division, no precinct shall embrace less than one entire block. After said city and county shall have been so divided into precincts, the boundaries of any precinct shall not be changed until the votes cast in said precinct shall be less than three hundred and fifty or more than five hundred and fifty.

SEC. 6. Said Registrar shall have all the powers, discharge all the duties, and be liable to all the obligations with respect to the registration of voters and other matters pertaining to elections, and election contests, in said City and County, now or hereafter belonging to, or imposed upon, the County Clerks of other counties of this State in their respective counties under the general laws thereof, so far as the same are not inconsistent with the provisions of this Charter.

SEC. 7. The Registrar shall keep his office open for business every day in the year (legal holidays other than days of election excepted), from eight o'clock in the forenoon till five o'clock in the afternoon, and he shall be in attendance thereat during said hours, except when absent on official business. All registration of voters by said Registrar must be done at said office, and during office hours, where the public may have easy access, without disturbing, interfering with, or retarding an efficient execution of the law. The

Registrar, his Deputy and assistants, and also the Election Commissioners and the members of Boards of Precinct Registration, shall have power to administer oaths and affirmations in all matters touching elections, the duties of their offices, and the registration of voters or inquiry into their qualifications.

SEC. 8. The Registrar shall from time to time examine the condition of the Precinct Registers, and shall see that none but legal voters are registered. Should he have reason to believe that any name upon the Precinct Register is illegally there, he shall forthwith send a written or printed notice to such person, directing the same to him at his address as found in said Precinct Register, requiring such person to show cause before the Board of Election Commissioners, at a day to be named in said notice, why said Board should not cancel said name. If such person fail for five days after the day fixed for the hearing, to appear and establish the legality of his registration, and if the Registrar certify that notice in accordance herewith has been given, the Board shall, if it appears to its satisfaction that such name is illegally upon the Precinct Register, make and enter an order directing the Registrar to cancel such registration.

SEC. 9. The Registrar shall keep in his office an alphabetical list of all deaths of adult males, occurring in said city and county, as well as of the deaths of such resident citizens of said city and county as may come to his knowledge, who have died elsewhere. He shall also keep a list of all removals from said city and county, or changes of residence therein, so far as he can learn the same, and of commitments to prisons and insane asylums, with time and place, as well as such other information as shall be useful. It shall be the duty of all Public Officers, on demand, to furnish to said Registrar certified statements of such facts, within their knowledge, as pertain to his duties.

SEC. 10. The Registrar, under and subject to the rules of the Board, must take charge of the business of placing the Election Officers, and when it is too late to call the Board together to fill vacancies, may select and appoint Election Officers for said purpose, from a list of substitutes selected by said Board. Should any Election Officer fail to appear at the opening of any election, or at any time during the progress thereof, the officers in attendance may, subject to such rules as the Board may prescribe, fill the vacancy by appointing any competent citizen who is a registered elector of the precinct. In all cases in filling a vacancy the appointee shall be taken from the same political party as that of the person whose place is to be filled.

SEC. 11. The Registrar shall obtain from the Assessment Book and registers of voters of said city and county the

names of the resident citizens, possessing the necessary qualifications to act as Inspectors and Clerks of Election, taking care to select persons of good character, and have their names placed in a book, so as readily to refer to their places of residence and the precinct in which they vote. Said Board shall select from the book so prepared, all Election Officers provided for by law or by this Charter for said city and county, and shall appoint them for their respective places. They must be electors of said city and county, and able to read, write and speak the English language. In selecting such officers the Board must select, as nearly as possible, an equal number of persons of different political faith and opinions to serve at each precinct. The persons so selected must be residents of the precinct for which they are appointed.

SEC. 12. It is hereby made the duty of any and all voters in said city and county to serve as Inspectors, and Clerks, or other officers of election, when required so to do under the provisions of this Article. The Inspectors shall receive as compensation for their services not more than two dollars a day. The Board may provide for the compensation of Clerks for matters requiring special skill and qualifications, such sum as may be necessary to secure such services, but not to exceed four dollars a day for any one Clerk. No person holding any office or employment under the United States, the State of California, or said City and County, or any of its Departments, shall be eligible to, or allowed to serve as, an election or registration Officer, or Clerk, or in any manner whatsoever at an election.

SEC. 13. Each person appointed an officer of election shall be notified in writing by the Registrar of his appointment. Such notice must have printed thereon a copy of this section, and may be served by mail. Such person must, within the time fixed in the notice, which shall not be less than five days, appear before the Registrar and shall serve as such officer for the term of two years from the date of his appointment, unless excused or dismissed by the Board; and in case of neglect or refusal to comply with the above mentioned requirements, or to serve, or act, shall be liable to a penalty of five hundred dollars, recoverable by civil action in any Court of competent jurisdiction, in the name of said City and County, which, when collected, shall be paid into the Treasury. Failure on the part of any such person to comply with any of the requirements herein, preliminary to receiving his certificate of appointment or to attend on any day of registration, or revision, or examination of registration, or the day of any election during said term, unless prevented by sickness, or other sufficient cause (the

burden of proof of which shall be upon the delinquent), shall be deemed a refusal within the meaning of this section.

SEC. 14. The persons so appointed officers of election shall each take and subscribe and file with the Registrar, before acting as such, and within ten days from the date of notice of appointment the following oath of office: "I, \_\_\_\_\_, residing at \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States, and of the State of California, and that I will faithfully discharge the duties of \_\_\_\_\_ of election for the City and County of San Francisco, in Election Precinct \_\_\_\_\_ of Assembly District \_\_\_\_\_, according to the best of my ability; that I am a citizen and qualified voter of the State of California and resident of said precinct, and not a candidate for office to be voted for by the electors of the precinct for which I am appointed, and that I do not hold any office or employment under the United States, the State of California, the City and County of San Francisco, or any Department thereof; and that I have not made any bet of money or property of any kind on the result of the election about to be held."

No payment shall be made to any election officer who shall not have taken, subscribed and filed such oath, or affirmation, or who shall not during his period of service have fully complied with the requirements of law relating to his duties.

SEC. 15. Each person so appointed and qualified shall receive a certificate of appointment from the Registrar in such form as may be prescribed by the Board of Election Commissioners. It shall specify the Assembly District and Precinct for which he is appointed and the date of the expiration of his term of office. He may be removed at any time by said Board for want of any of the requisite qualifications. When any Inspector or Clerk is appointed to fill a vacancy, that fact shall be stated in his certificate of appointment, and he shall hold office only for the unexpired term. No Inspector or Clerk shall be transferred from one election precinct to another after his appointment.

SEC. 16. The registration of voters in said city and county shall be by election precincts. The provisions of the Political Code, as they now are or may hereafter be, as to making and keeping the Great Register, and the manner of entering names therein, and the substance and contents of said entries, and the alterations, changes, and cancellation thereof, as well as the proceedings and proofs to enable voters to be registered in said Great Register, and all matters relating thereto, so far as the same are not inconsistent with the provisions of this Charter, shall be applicable to the Precinct Registers of said city and county.

Said Precinct Registers shall be used at all elections, and no person shall vote at any election unless he is legally registered upon the Precinct Register of the precinct in which he is a qualified voter.

SEC. 17. The registration of voters as herein provided, shall take place previous to each general election, and an elector properly registered may, without again being registered, if he has not changed his residence, vote at the general election next ensuing after his registration, and at all special elections between said general election and the next general election, but not afterwards, unless re-registered according to law.

SEC. 18. The Board of Election Commissioners shall cause to be prepared, books for the registration of voters in manner hereinafter provided. Said books shall be called Precinct Registers, and shall be so arranged as to admit of the entering, under the name of each street or avenue in each election precinct, and the number of each dwelling on any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling-place as shall enable it to be readily ascertained, found and located, of the names of all electors resident in each dwelling in each of said precincts who shall apply for registration. Said Registers shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered words and figures of the character hereinafter provided in this section, and each of said Registers shall be of such size as to contain not less than six hundred and fifty names, and so prepared that it may be used at each election in said city and county, until such time as is provided for the succeeding general registration, and shall be in appearance and form substantially as follows, to wit:

# REGISTER OF VOTERS.

Register Number.	Residence.	NAME.	Floor of House.	Locality of Room and Number.	Sworn.	Nativity.	Age.	Color.	Occupation.	TERM OF RESIDENCE.			NATURALIZATION.					Qualified Voter.	Voted.	Date of Application.	Challenge.	Signature of Voter.	Cancellations, Remarks, etc.
										State.	County.	Precinct.	By Father.	Time and Place.	Court.	Certificate Lost.	Date of Papers.						
111 706 Clay st...	Hill, John H...	21 .....	Front, 3	Yes	England	26	White	Baker...	6 years	15 mos.	1 year	Yes	Yes	.....	Circuit..	No.	May 17, '71	Yes	.....	Mar. 16, '72	No.	.....	.....
222 315 Green st.	Smith, James.	Basement.	Back, 21	Yes	Canada.	30	Colored	Teamster	2 years	1 year.	8 mos.	.....	.....	.....	Superior	.....	Oct. 1, '70	.....	.....	Mar. 15, '72	Yes	.....	.....

To each Precinct Register shall be prefixed an alphabetical index of all the names contained therein, and opposite to each name shall be set its register number. The Registrar shall place in said index all the names registered in his office, and after its delivery to the Board of Precinct Registration, each name registered by said Board shall be placed by it in said list, and so printed.

SEC. 19. Ninety days before each general election, the Registrar shall commence the registration of all voters entitled thereto who apply with proper proof. Such voters shall be registered in the Precinct Registers for the precinct where they are entitled to vote, and said Precinct Registers shall be made with said index, in duplicate and in accordance with the rules hereinafter provided. Such registration shall continue at the office of the Registrar until, and shall cease, two days prior to the day hereinafter fixed for the meeting of the Boards of Precinct Registration.

SEC. 20. The following oath or affirmation shall be administered to all persons who apply for registration: "You do solemnly swear [or affirm] that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote."

SEC. 21. The Registrar and Boards of Precinct Registration shall examine each applicant as to his qualifications as an elector, and shall immediately, in the presence of the applicant, enter in the said Register, and in said duplicate thereof, the statements and facts below set forth in manner following, namely:

*First*—In the column headed "Residence," the name and number of the street, avenue, or other location of the dwelling, if there be a number, but if there be not a number, such clear and definite description of the place of said dwelling as will enable it to be readily ascertained, fixed and determined; and, if there be more than one house at the number given by the applicant as his place of residence, in which of said houses he resides, or if there be more than one family residing in said house, or if the place of his residence be a hotel, boarding house or lodging house, then in the column headed "Floor of House," the floor on which he resides, and in the column headed "Number and Location of Room," the number and location of the room or rooms occupied by him.

*Second*—In the column headed "Names," the name of the applicant, giving the surname and Christian name in full. The names of all the persons residing in the same dwelling shall follow each other and shall refer to the house and street, number or other description, as provided, of the dwelling.

*Third*—In the column headed “Sworn,” the words yes or no as the fact shall be.

*Fourth*—In the column headed “Nativity,” the State, country, kingdom, empire or dominion, as the fact shall be stated by the applicant.

*Fifth*—In the column headed “Age,” the age of the applicant, rejecting fractions of the year.

*Sixth*—In the column headed “Color,” the words white or colored as the fact is.

*Seventh*—In the column headed “Occupation,” the business or profession of the applicant.

*Eighth*—In the subdivisions of the general column headed “Term of residence,” the period by months or years stated by the applicant in response to the inquiries made concerning the subject of each of said subdivisions.

*Ninth*—In the subdivisions of the general column headed “Naturalization,” in cases where the applicant claims to be a naturalized citizen, in the subdivision whether he claims by the naturalization of his father, “Yes” or “No,” as the case may be, and in the other subdivisions, the time and place of naturalization, the name of the Court where naturalized, (if the applicant know such name), whether or not the certificate is lost, and the date of the papers of naturalization, as the same shall appear by the evidence of citizenship submitted or presented by the applicant.

*Tenth*—In the column headed “Qualified Voter,” the words “Yes” or “No,” as the fact shall appear and be determined by the Registrar, or by at least three members of the Board of Precinct Registration; but they must designate as a qualified voter any person who, being otherwise qualified, is not of age at the time of making such application, if such applicant will be of the age of twenty-one years prior to or on the day of election immediately following such time of applying.

*Eleventh*—In the column “Date of application,” the month, day and year when the applicant presented himself and was adjudged a qualified voter of the election precinct.

*Twelfth*—In the column “Challenge,” “Yes” or “No,” according to the fact, whether challenged or not.

*Thirteenth*—In the column “Signature of the voter,” the applicant shall sign his name, if he be able to write, and if he be not, his name shall be written for him, and the fact attested in the margin by the signature of the Registrar or Inspector.

SEC. 22. Said Board, in the third month preceding every general election, shall appoint four Inspectors of Election for each precinct. Said four persons shall constitute the Board of Precinct Registration for said precinct, and shall serve for two years, unless sooner removed by the Board. Two of them shall be of different political faith

and opinions from the other two. The Board of Election Commissioners shall procure a suitable room or place, which shall have an area of not less than two hundred square feet, in each election precinct for the sittings of the Boards of Precinct Registration and for polling places. In each election precinct such place shall be in the most public, orderly and convenient portion of the precinct, and no building or part of building shall be designated or used as a place of registry or polling place in which, or any part of which, spirituous or intoxicating liquors are sold; and no place shall be designated or used for any such purpose unless the same is well lighted.

SEC. 23. Two persons of different political faith and opinions and possessing the other qualifications required for Inspectors shall be in all respects similarly selected, notified, examined, appointed, commissioned and sworn as Clerks in and for each election precinct in said city and county. They shall hold office for the same period of time and upon the same conditions as are above prescribed for Inspectors, and shall receive a like certificate of appointment.

SEC. 24. Said Boards of Precinct Registration shall meet in the places provided in their respective precincts for such purpose, commencing thirty-six days before the day of election, and shall sit in open session from nine o'clock in the forenoon until ten o'clock in the afternoon of each day for six days next thereafter (legal holidays excepted), to receive and act upon applications for registration on the part of the voters of said precinct. They shall organize by electing one of their number Chairman. In case of a failure to so organize within one hour after the time fixed for their meeting, the Chairman shall be selected by them by lot. They shall receive the applications for registration of such residents of their several election precincts as then are, or on the day of election next following the day of making such application, would be, entitled to vote therein, and who shall personally apply, with proper evidence of their rights.

SEC. 25. The Registrar shall furnish said Boards of Precinct Registration with blanks, stationery, and all other matters and things necessary to enable them to conveniently and speedily perform their duties. He shall also give such Boards his assistance and advice in organizing and conducting registration and other matters required of them by law, and shall visit said Boards while engaged in said duty, and see that said proceedings are conducted according to law, and that the Registers are made in due form. The public shall be allowed free access to the Precinct Registers.

SEC. 26. As soon as the Boards of Precinct Registration shall have commenced their sittings for registration in the

several precincts, the Precinct Registers and the duplicates thereof shall be delivered by the Registrar to said respective Boards, which shall go on with the registration of voters at the places provided in their respective precincts until the time provided for registration has expired, when all registration shall cease.

SEC. 27. Each Board of Precinct Registration shall carefully examine and revise the names of voters upon its Precinct Register, as delivered to it by the Registrar, and ascertain if such names are the names of legal voters, properly on said Precinct Register and entitled to vote in said precinct.

SEC. 28. The Boards of Precinct Registration shall keep the several Precinct Registers for three days after the expiration of the time prescribed for their sitting for registration, during which time they shall make diligent examination and inquiry as to the right of the respective voters who have been registered on said Precinct Registers to such registration, and shall, in all doubtful cases, certify said doubt, with the reasons therefor, to the Board of Election Commissioners for their action. All persons who have been refused registration by the Registrar, or by the Precinct Board, may appeal to the Board of Election Commissioners, who shall hear and determine the same in a summary manner, so as not to delay the completion of the Registers.

SEC. 29. When each Board of Precinct Registration has completed the examination and inquiry required in the preceding section, it shall certify the Precinct Register with said index and the duplicate thereof as is hereinafter provided, and deliver the same to the Registrar. Said delivery shall be made not later than four full days after the cessation of its sitting for registration. The said Board shall at the same time prepare and duly certify a separate and distinct list, showing the names of all persons concerning whose right to registration it is in doubt, together with the grounds and reasons for such doubt. Such list and certificate shall be delivered to the Registrar at the same time with the Precinct Register. Proper blanks shall be prepared and furnished by the Registrar for the purpose of making the return of doubtful names on the Registers, and also blank certificates and all other necessary things for such purpose.

SEC. 30. The certificate to be attached to the Precinct Register shall be substantially in the following form, to wit: "We, the undersigned, Inspectors of Election, forming the Board of Precinct Registration for the..... Precinct of the..... Assembly District in the City and County of San Francisco, do jointly and severally certify that on the..... day of....., 18...., we met and organized as such Board, at the place appointed by law for

the holding thereof in said precinct; that the Precinct Register was delivered to us by . . . . ., Registrar of Voters for said city and county, containing at the time of its delivery to us the names of (stating number) voters; that we have examined and inquired into said list to the best of our ability, and have noted all doubtful registration thereon. We further certify that we sat as a Board of Precinct Registration at said place, from the . . . . . day of . . . . ., till the . . . . . day of . . . . ., 18 . . . . , and have admitted to registration (showing number) citizens, whose names and other matters of qualification will appear upon the foregoing Register, and that the whole number of qualified voters upon said Register is (number).

"Dated, . . . . ., 18 . . . .

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_"

SEC. 31. The certificate to be annexed to the list of doubtful names shall be substantially in the following form, to wit: "We, the undersigned, composing the Board of Precinct Registration, for the . . . . . Precinct of the . . . . . Assembly District in the City and County of San Francisco, hereby certify that the accompanying list shows all the names and other matters of qualification of voters upon the Precinct Register for said precinct, about whose right to registration we entertain a reasonable doubt, together with a statement of the cause or grounds for such doubt.

"Dated, . . . . ., 18 . . . .

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_

"(Signed): \_\_\_\_\_"

SEC. 32. The Registrar shall forthwith notify all persons whose right to registration is certified as doubtful, of said fact, and also in cases where the Registrar has reason to believe that persons have been illegally registered, and shall cite them before the Board of Election Commissioners, as provided in section eight of this Article; and the same proceedings shall be had as to citation and cancellation, as are provided for in said section.

SEC. 33. Thirty days before a general election all registration shall cease, and the Precinct Registers, as they stand, shall be the Precinct Registers for said ensuing election and until the next general election, subject only to changes in the following cases:

*First*—All names that for any reason are illegally on the Precinct Registers shall be cancelled.

*Second*—Any name that has once been legally on the Precinct Register, so as to entitle the person to vote at said ensuing election, and which has been by fraud, mistake or otherwise improperly removed or cancelled, may be restored, on satisfactory evidence thereof, by order of the Board of Election Commissioners.

Any voter entitled to have his name upon the Precinct Register under the terms of the last preceding subdivision, may have the same placed upon the supplemental list hereinafter provided for, within five days from the time herein provided for the cessation of registration. Any person who does not so apply within said time shall not be registered on the Precinct Register for said election.

SEC. 34. As soon as the Registrar shall receive the Precinct Register and index and said duplicate thereof from any Board of Precinct Registration he shall notify the members of the Board of Election Commissioners, and the Board shall, thereupon, cause him to have the same printed forthwith, using the duplicate for that purpose.

SEC. 35. The Board of Election Commissioners shall at or about the time of the commencement of any general registration in said city and county contract for the printing in type, when completed, of said Precinct Registers and indexes. The contract or contracts shall require the printing of two hundred copies of each Precinct Register, and that the same be completed within twelve days after the receipt of the duplicate of each Precinct Register, by the Registrar. The printing shall be awarded to the bidder making the lowest bid for each name registered, counting said indexes as a part of the Register, and counting each name only once; any bidder may bid for the printing of any one or more of said Registers. Said Board may reject any and all bids. The Registrar and his assistants shall supervise said printing and see that all contracts with reference thereto are faithfully performed. Copies of said Registers when printed shall be immediately posted in the office of the Board. The Registrar shall furnish at least ten copies of each of said Precinct Registers to the authorized representatives of every political party applying to him for the same.

SEC. 36. As soon as the Registrar shall receive the Precinct Register from any Board of Precinct Registration he shall proceed immediately to ascertain the correctness of said Precinct Registers, and shall prepare a supplemental list for each precinct, showing the cancelations and additions to the regular list made after the publication of the same, of which supplemental list a duplicate shall be kept in the manner hereinbefore provided for the Precinct Register. The printing of the said duplicate supplemental lists shall in like manner be contracted for, and the said lists printed, posted

and distributed at least fifteen days before the day of the election, after which no changes shall be made. All cancellations and additions to the Registers made by the Registrar shall be subject to the approval of the Board of Election Commissioners.

SEC. 37. Not less than five days before the day fixed for the first sitting of the Boards of Precinct Registration the Registrar shall cause an advertisement to be printed in four daily newspapers of general circulation, published in said city and county, one of which shall be the official newspaper, giving notice to the voters of said city and county of the time when the registration of voters on the Precinct Registers will expire, and inviting them to apply within said time for registration at the place of meeting of said Boards (which shall be named), under penalty of being debarred the privilege of voting at such election. Such notice shall specify the days upon which the precinct registration by said Boards shall commence and end, and shall be published daily until the termination of the sittings of said Boards for registration.

SEC. 38. The Inspectors shall constitute the Boards of Election for their several precincts, and as such shall receive and deposit in the several ballot-boxes the ballots of those presenting themselves in their proper precincts who are entitled to vote. They shall keep the poll and tally lists prescribed by law, and shall exercise all the powers and be subject to all the duties prescribed by law except so far as the same may be inconsistent with the provisions of this Charter.

SEC. 39. The registration of voters, and all proceedings connected therewith, shall be public, and citizens shall have free ingress and egress to and from the place where the same is being done.

SEC. 40. At every election each political party shall have the right to designate, and keep a challenger at each place of registration and voting, who shall be assigned such position as will enable him to see each person as he offers to register or vote, and who shall be protected in the discharge of his duty by the officers of election and the police. Any political party may remove any challenger appointed by it, and may appoint another in his place who shall have the like authority as was conferred by the original appointment.

SEC. 41. No certificate of the Registrar or of any other officer shall ever be taken as the basis of a right to vote. The Register shall be the only evidence of the right to vote, and no person whose name is not thereon shall be allowed to vote.

SEC. 42. Any person applying to register, or who, being registered, offers to vote, may, on any day of general regis-

tration or of election, be challenged by any qualified elector of said city and county, and either of the said Inspectors may, and one of them shall, at any authorized meeting of the Board of Precinct Registration, or of the Board of Election, administer to any person so challenged, the oath or oaths provided by law to test the qualification of challenged electors, and shall also administer to any elector of the election precinct who may be offered as a witness to prove the qualification of any person claiming the right to be registered, or to vote, the following oath: "You do swear (or affirm) that you are a voter of this election precinct, that you will fully and truly answer all such questions as shall be put to you touching the place of residence and other qualifications as a voter of the person (name to be given) now claiming the right to be registered (or to vote) in this precinct.

SEC. 43. For all powers, authority and duties herein prescribed for and conferred upon, and all action required of, Inspectors of Election or Boards of Election, save where such authority or action is specifically allowed to any of said Inspectors, the concurrence or assent of a majority of all the Inspectors of Election in any election precinct, must in all cases be obtained.

SEC. 44. The Inspectors of Election in each election precinct, while discharging any of the duties imposed upon them, shall have full authority to preserve order and enforce obedience to their lawful commands at and around the place of registration or election; to keep the access to such place open and unobstructed; to prevent and suppress riots, tumult, violence, disorder and all other practices tending to the intimidation or obstruction of voters, or the disturbance or interruption of the work of registration or voting, or tending to the obstruction of the performance by them of any of their duties, and to protect the voters and challengers from intimidation or violence, and the registers and poll lists, boxes and ballots from violence and fraud, and shall appoint or deputize, if necessary, one or more persons to communicate their orders and directions, and to assist in the enforcement thereof.

SEC. 45. The Inspectors shall constitute the Board of Election for their respective precincts. The Board of Election Commissioners may, prior to any election, appoint from each precinct four additional Inspectors and two additional Clerks. When such appointment is made, the additional Inspectors, with the original Inspectors, shall canvass the vote for such precinct, and shall from and after the closing of the polls, constitute the Board of Election of such precinct, the members relieving each other in the duty of canvassing the ballots, which may be conducted by, at least,

half of the whole number; but the certificates must be signed by at least two-thirds of the whole number.

SEC. 46. Said additional Inspectors and Clerks shall be as nearly as possible divided equally in number as to their political faith and opinions. They shall possess the other qualifications required by this Article, and shall be in all respects named, selected, notified, examined, appointed, commissioned, and sworn, as hereinbefore provided.

They shall hold office during the counting of the vote, and shall receive the same compensation a day as the other Inspectors and Clerks herein provided for. If any one of said additional Inspectors or Clerks is not present at the precinct at the closing of the polls the Precinct Board of Election must fill the vacancy by the appointment of some suitable person of the same political faith and opinions as the absent person.

SEC. 47. The polls must be opened at sunrise, and kept open continuously until sunset of the same day, when they shall be closed.

SEC. 48. As soon as the polls of an election are closed the Inspectors in their several election precincts shall immediately, and at the place of the polls, proceed to canvass the votes. Such canvass shall be made in the manner required by the laws of the State, shall be public, and shall not be adjourned or postponed until it shall have been fully completed. No vote shall be received, nor shall any ballot be counted or canvassed, nor shall any statement of votes, announcement, or proclamation be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress or egress; but the said Inspectors may station one or more officers at such entrance to exclude disorderly and improper persons; nor shall any such duties be performed unless at least six persons, if so many claim that privilege, are allowed to be present, and so near that they can see whether the duties of the said Inspectors are faithfully performed. When the canvass is completed, the returns shall be made in the manner provided by law and delivered to the Board of Election Commissioners.

SEC. 49. All provisions for carrying out the registration and election laws in said city and county shall be made by the Board of Election Commissioners, and demands on the Treasury authorized or allowed by it for such purposes shall be paid in the same manner as other demands, after approval of the same by the Supervisors, and after being duly audited.

## ARTICLE XIII.

**Of Civil Service.**

SECTION 1. The Mayor shall appoint three Civil Service Commissioners, who shall hold office for four years, and who shall receive no compensation. No more than two of said Commissioners shall be of the same political party. Those first appointed shall so classify themselves by lot that one shall go out of office in two years, one in three years, and one in four years. Each head of a Department or Office shall have the right to act and vote with said Commissioners when they are holding examinations for his Department or Office.

SEC. 2. Immediately after their qualification they shall organize as a Board, and elect one of their number President, who shall hold office for one year and until his successor is elected, and shall also elect a Secretary who is not a member of the Board. Said Secretary shall keep a record of all the transactions of said Board, and shall also act as a sub-examiner.

SEC. 3. Said Board shall, in conjunction with the head of each Department or Office, have the power to make all the necessary rules and regulations for the conduct and government of the examinations to be held by it, or under its supervision, and to carry into effect the objects of this Article, and to appoint such sub-examiners as may be necessary. Said rules and regulations shall provide and declare, as nearly as the conditions of good administration will warrant, for open, competitive examinations for testing the fitness of applicants for the municipal service. Such examinations shall be practical in their character, and such as will fairly test the capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed.

SEC. 4. Upon the adoption by said Board of said rules and regulations, all persons thereafter applying for employment in any of the Departments or Offices of said city and county shall be subject to examination under such rules and regulations; and no person shall thereafter be employed in any of said Departments or Offices, except as herein provided, without undergoing the competitive examination herein provided for, and, as a result of such examination, being graded above the minimum established in said rules and regulations. The name of each person so graded shall be placed upon the list of those eligible for appointment in the Department or Office for service in which he presented his application. Such examination shall be begun within three months after the Commissioners take office. Of the deputies or Clerks to be appointed by the head of each Department or Office of the City and County government, he may appoint two, who shall not

be required to undergo such examination. Each candidate for examination must present a certificate of good character for honesty, sobriety and good behavior from four reputable citizens who are taxpayers. No distinction on account of sex shall be made in receiving applications for examination or appointment.

SEC. 5. After a candidate for employment in any Department or Office of the City and County government has been placed upon the eligible list for that Department or Office, and is employed therein, he shall be, for six months thereafter, a probationary employee only. During said six months the head of the Department or Office may at any time discharge such probationary employee for inefficiency or dishonesty.

Notice shall be given in writing by the appointing power, to said Board of the persons selected for appointment or employment, of the place of residence of such persons, of the rejection of any such persons after probation, of transfers, resignations and removals, and of the date thereof, and a record of the same shall be kept by said Board.

SEC. 6. No person failing to get his name placed on said eligible list, shall be entitled to admission to another examination for at least one year from the date of failure.

SEC. 7. Said Board shall hold regular examinations, as herein provided, every three months, and may hold such other examinations as it may deem necessary. All examinations shall be public.

SEC. 8. The provisions of this Article shall not apply to the School Department, or to any of the Clerks in the office of the Treasurer, or to any of the legal assistants of the City Attorney, or of the District Attorney, or to the Police or Fire Departments.

SEC. 9. The Supervisors shall furnish said Board with a suitable office, and shall provide office furniture, books, stationery, blanks, fire and lights, and are authorized to pay such other expenses as may necessarily be incurred by it, not exceeding three thousand dollars per annum.

## ARTICLE XIV.

### **Bonds and Salaries.**

#### CHAPTER I.

##### OF BONDS.

SEC. 1. Officers of the City and County, before entering upon the discharge of their official duties, shall respectively give and execute to said City and County such official bonds as may be required by law, ordinance or this Charter. When the amount of any bond is not fixed by law or by this

Charter, and power to fix the same is not herein conferred upon any Board or Officer, it shall be fixed by an ordinance of the Supervisors. All bonds, excepting that of the Auditor, must be approved by the Mayor, Auditor, and President of the Board of Aldermen. The bond of the Auditor must be approved by the Mayor, the President of the Board of Aldermen and the President of the Board of Delegates. The approval of every official bond must be indorsed thereon, and signed by the Officers approving the same, after examination of the sureties, as hereinafter provided. Upon the approval of a bond it must be recorded, at the expense of the party giving the same, in the office of the Recorder, in a book kept for that purpose, entitled "Record of Official Bonds." The bond of the Auditor shall be filed and kept in the office of the County Clerk. The bonds of all other Officers shall be filed and kept in the office of the Auditor.

SEC. 2. The following Officers shall respectively execute to the City and County of San Francisco official bonds, with sureties, in the following sums, viz:

Auditor, fifty thousand dollars.

Treasurer, one hundred and fifty thousand dollars.

Tax Collector, one hundred thousand dollars.

Assessor, fifty thousand dollars.

County Clerk, fifty thousand dollars.

Recorder, twenty thousand dollars.

Sheriff, one hundred thousand dollars.

Coroner, ten thousand dollars.

City Attorney, forty thousand dollars.

District Attorney, twenty-five thousand dollars.

Public Administrator, fifty thousand dollars.

Superintendent of Public Schools, ten thousand dollars.

Each Commissioner of the Board of Public Works, twenty-five thousand dollars.

Clerk of the Board of Aldermen, ten thousand dollars.

Each Member of the Supervisors, ten thousand dollars.

Each School Director, five thousand dollars.

Each Justice of the Peace, five thousand dollars.

Each Fire Commissioner, five thousand dollars.

Each Police Commissioner, ten thousand dollars.

Each Election Commissioner, ten thousand dollars.

Superintendent of House of Correction, ten thousand dollars.

Superintendent of School of Industry, five thousand dollars.

Property Clerk of Police Department, ten thousand dollars.

Fire Marshal, five thousand dollars.

Assistant Fire Marshal, five thousand dollars.

Secretary Board of Fire Commissioners, five thousand dollars.

Storekeeper of Fire Department Yard, ten thousand dollars.

SEC. 3. City and County Officers shall not be accepted as surety for each other on official bonds. Every bond shall contain a condition that the principal will faithfully perform all official duties then, or that may thereafter be, imposed upon or required of him by law, ordinance or this Charter, and that at the expiration of his office he will surrender to his successor all property, books, papers and documents that may come into his possession as such Officer, and must also be executed by two or more sureties who shall each justify in the amount required for said bond; but when the amount of the bond is more than five thousand dollars the sureties may become severally liable for portions of not less than five thousand dollars; when there are more than two sureties said sureties may justify in an amount which, in the aggregate, shall equal double the amount of said bond.

Every surety upon an official bond must make an affidavit which shall be indorsed upon such bond that he is a resident and freeholder in the City and County of San Francisco, and worth in property situated in said city and county, exclusive of incumbrances thereon, double the amount of his undertaking over and above all sums for which he is already liable or in any manner bound, whether as principal, indorser or surety, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, due or to become due. All persons offered as sureties on official bonds may be examined on oath as to their qualifications by the officers whose duty it is to approve the bond.

SEC. 4. When, under any of the provisions of this Charter, or of any ordinance, an official bond shall be required from an Officer, the Board of Aldermen may, by resolution, require an additional bond, whenever, in the opinion of such Board, such bond or any surety thereto, becomes insufficient; and such additional bond shall also be required when a surety to a bond shall die or cease to be a resident of said city and county.

SEC. 5. Every officer shall be liable on his official bond for the acts and omissions of the deputies, assistants, clerks and employees appointed by him, and of any and each of them, and every official bond shall contain such a condition.

SEC. 6. Every Board, Department or Officer, may require of its deputies, clerks or employees bonds of indemnity with sufficient sureties, for the faithful performance of their duties.

## CHAPTER II.

## OF SALARIES.

The officers hereinafter named shall respectively receive the following annual salaries, viz.:

Mayor, six thousand dollars.

Secretary of the Mayor, twenty-four hundred dollars.

Supervisors, twelve hundred dollars, each.

Clerk of Board of Aldermen, thirty-six hundred dollars.

Clerk of Board of Delegates, twenty-four hundred dollars.

Auditor, four thousand dollars.

Deputy Auditor, three thousand dollars.

Treasurer, four thousand dollars.

Deputy Treasurer, three thousand dollars.

Tax Collector, four thousand dollars.

Deputy Tax Collector, twenty-four hundred dollars.

Assessor, four thousand dollars.

Chief Deputy Assessor, twenty-four hundred dollars.

Recorder, thirty-six hundred dollars.

Chief Deputy Recorder, twenty-four hundred dollars.

County Clerk, four thousand dollars.

Chief Deputy County Clerk, twenty-four hundred dollars.

Sheriff, six thousand dollars.

Under Sheriff, twenty-four hundred dollars.

City Attorney, five thousand dollars.

Assistant City Attorney, three thousand dollars.

District Attorney, five thousand dollars.

Three Assistant District Attorneys, thirty-six hundred dollars, each.

Two Assistant District Attorneys, twenty-four hundred dollars, each.

Presiding Justice of the Peace, twenty-seven hundred dollars.

Four Justices of the Peace, twenty-four hundred dollars, each.

Police Judges, four thousand dollars, each.

Public Administrator, four thousand dollars.

Coroner, three thousand dollars.

Commissioners of Board of Public Works, four thousand dollars, each.

Secretary of Board of Public Works, two thousand dollars.

City Engineer, four thousand dollars.

Architect to Board of Public Works, three thousand dollars.

Superintendent of Public Works, twenty-four hundred dollars.

Storekeeper for Corporation Store Yard, twelve hundred dollars.

Superintendent of Schools, four thousand dollars.

Secretary of Board of Education, twenty-four hundred dollars.

- Librarian of Free Public Library and Reading Rooms,  
 twenty-four hundred dollars.  
 Secretary of Board of Trustees of Free Public Library and  
 Reading Rooms, twelve hundred dollars.  
 Secretary of Board of Reform, nine hundred dollars.  
 Superintendent of House of Correction, eighteen hundred  
 dollars.  
 Superintendent of School of Industry, eighteen hundred  
 dollars.  
 President of Board of Police Commissioners, eighteen hun-  
 dred dollars.  
 Three Police Commissioners, twelve hundred dollars, each.  
 Chief of Police, four thousand dollars.  
 Clerk of Chief of Police (including his pay as police offi-  
 cer), twenty-four hundred dollars.  
 Property Clerk of Police Department (including his pay as  
 police officer), eighteen hundred dollars.  
 Captains of Police, twenty-four hundred dollars, each.  
 Sergeants of Police, fifteen hundred dollars, each.  
 Corporals of Police, thirteen hundred and eighty dollars,  
 each.  
 Detectives of the Police Force, fifteen hundred dollars,  
 each.  
 Policemen, twelve hundred dollars, each.  
 Fire Commissioners, twelve hundred dollars, each.  
 Secretary of Board of Fire Commissioners, eighteen hun-  
 dred dollars.  
 Chief Engineer of Fire Department, thirty-six hundred  
 dollars.  
 Assistant Chief Engineer, twenty-four hundred dollars.  
 District Engineers, eighteen hundred dollars, each.  
 Foremen of Engine Companies, twelve hundred dollars, each.  
 Engineers of Engine Companies, fifteen hundred dollars,  
 each.  
 Drivers of Engine Companies, ten hundred and eighty dol-  
 lars, each.  
 Firemen of Engine Companies, ten hundred and eighty dol-  
 lars, each.  
 Hosemen of Engine Companies, nine hundred dollars, each.  
 Foremen of Hook and Ladder Companies, twelve hundred  
 dollars, each.  
 Drivers of Hook and Ladder Companies, ten hundred and  
 eighty dollars, each.  
 Tillermen of Hook and Ladder Companies, ten hundred and  
 eighty dollars, each.  
 Hook and Ladder Men, nine hundred dollars, each.  
 Foremen of Hose Companies, twelve hundred dollars, each.  
 Drivers of Hose Companies, ten hundred and eighty dol-  
 lars, each.

Stewards of Hose Companies, nine hundred and sixty dollars, each.

Hosemen of Hose Companies, nine hundred dollars, each.

Storekeeper of Fire Department Yard, fifteen hundred dollars.

Superintendent of Steam Fire Engines, twenty-four hundred dollars.

Foreman of Repair Shop, sixteen hundred dollars.

Substitute Engineer and Machinist, sixteen hundred and eighty dollars.

Hydrantmen, ten hundred and eighty dollars, each.

Veterinary Surgeon, twelve hundred dollars.

Superintendent of Fire Alarm and Police Telegraph, three thousand dollars.

Fire Alarm and Police Telegraph Operators, fifteen hundred dollars, each.

Foreman of Construction of Fire Alarm and Police Telegraph, twelve hundred dollars.

Fire Alarm and Police Telegraph Repairers, ten hundred and eighty dollars, each.

Health Officer, three thousand dollars.

Quarantine Officer, eighteen hundred dollars.

Secretary of Board of Health, two thousand dollars.

City Physician, twenty-one hundred dollars.

Assistant City Physician, fifteen hundred dollars.

Superintendent of City and County Hospital, twenty-four hundred dollars.

Visiting Physicians of City and County Hospital, twelve hundred dollars, each.

Visiting Surgeons of City and County Hospital, twelve hundred dollars, each.

Superintendent of Alms House, twenty-four hundred dollars.

Resident Physician of Alms House, fifteen hundred dollars.

Election Commissioners, six hundred dollars, each.

Registrar of Voters, thirty-six hundred dollars.

Secretary to Civil Service Commissioners, nine hundred dollars.

SEC. 2. The salaries and wages of all other officers and employees of the city and county shall be fixed by the Supervisors by ordinance within thirty days after the day on which this Charter goes into effect. The salaries so fixed shall remain in force until changed, as provided in the next section.

SEC. 3. The Supervisors, in the month of July of each year, shall by ordinance fix and establish and may reduce, but shall not increase beyond the limit specified in the preceding section, the salaries and wages of all officers, deputies, clerks, assistants and employees of the city and county (excepting those of the Mayor and Supervisors and the teach-

ers and employees of the School Department), for whom salaries and wages are provided in this Charter, which ordinance, so establishing such salaries and wages, shall go into effect on the first Monday after the first day of January next after its passage, and shall remain and be in force for one year thereafter, and no longer. No officer's salary shall be increased or decreased to take effect during the term for which he was elected or appointed.

SEC. 4. Until the Supervisors shall by ordinance establish the salaries and wages of the deputies, clerks and employees in the service of the city and county in the various Offices and Departments thereof which are not fixed by this Charter, the heads of the several Offices and Departments are authorized to fix the salaries and wages of such deputies, clerks and employees as they may be authorized to appoint or employ; but they shall not fix, or authorize the payment of, any salary or wages at a rate higher than was the salary or wages authorized to be paid to those holding similar positions at the time this Charter takes effect.

## ARTICLE XV.

### Miscellaneous.

SECTION 1. Every officer shall hold his office until the expiration of the term for which he was elected or appointed and until his successor is elected or appointed and qualified; and where no other period is prescribed, the term of such officer shall not exceed four years. An officer shall be deemed to have "qualified" when he has taken the oath of office and filed the same, together with his official bond, if a bond is required, as herein provided.

SEC. 2. The Mayor, Supervisors, Auditor, Treasurer, Tax Collector, Recorder, County Clerk, Sheriff, City Attorney, Police Judges, Public Administrator, Commissioners of Board of Public Works, School Directors, Trustees of Free Public Library and Reading Rooms, Police Commissioners, Fire Commissioners, Commissioners of Board of Reform, Members of Board of Health, Health Officer, Quarantine Officer, Election Commissioners, and Civil Service Commissioners must each, at the time of their election or appointment, be at least thirty years of age, and have been a citizen of the United States and a resident and qualified elector of said City and County, for five years next preceding their election or appointment.

SEC. 3. All officers, deputies, clerks, assistants and other employees of the City and County, and of the several Departments thereof, must be citizens of the United States, and during their respective terms of office or employment,

must, with the exception of teachers in the public schools, reside in said City and County and have been residents of said City and County one year next preceding their appointment. They and each of them shall perform such duties as may be required of them respectively by law, ordinance, or this Charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased during the term of their respective offices or employment.

SEC. 4. Any person holding a salaried office under said City and County, whether by election or appointment, who shall, during his term of office, hold or retain any other civil office of honor, trust or employment under the Government of the United States, or of this State (except the office of Notary Public, or officer of the National Guard), or who shall hold any other office connected with the government of said City and County, or who shall become a member of the Legislature, shall be deemed to have thereby vacated the office held by him under the City and County government.

SEC. 5. No member of either Board of the Supervisors, and no officer or employee of said City and County, shall be or become, directly or indirectly, interested in, or in the performance of, any contract, work, or business, or in the sale of any article, the expense, price or consideration of which is payable from the city and county Treasury; or in the purchase or lease of any real estate or other property belonging to, or taken by, said City and County, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said City and County. If any person in this section designated shall, during the time for which he was elected or appointed, acquire an interest in any contract with, or work done for, said City and County, or any Department or Officer thereof, or in any franchise, right or privilege granted by said City and County, unless the same shall be devolved upon him by law, he shall forfeit his office, and be forever after debarred and disqualified from being elected, appointed or employed in the service of said City and County; and all such contracts shall be void, and shall not be enforceable against said City and County.

SEC. 6. No officer or employee of said City and County shall give, or promise to give, to any other person, any portion of his compensation, or any money, or valuable thing, in consideration of having been, or of being, nominated, appointed, voted for, or elected to, any office or employment; and if any such promise or gift be made, the person making such gift or promise shall forfeit his office and employment, and be forever debarred and disqualified from being elected, appointed or employed in the service of said City and County.

SEC. 7. Any Officer of said City and County who shall, while in office, accept any donation or gratuity in money, or other valuable thing, either directly or indirectly, from any subordinate or employee, or from any candidate or applicant for any position as employee or subordinate under him, shall forfeit his office, and be forever debarred and disqualified from holding any position in the service of said City and County.

SEC. 8. An office becomes vacant when the incumbent thereof dies, resigns, is adjudged insane, convicted of felony, or of an offense involving a violation of his official duties, or is removed from office, or ceases to be a resident of said City and County, or neglects to qualify within the time prescribed by law, or within twenty days after his election or appointment, or shall have been absent from the State without leave for more than sixty consecutive days. The Supervisors must not grant leave of absence to any Officer, except for the purpose of attending to official business.

SEC. 9. When a vacancy occurs in any office, and provision is not otherwise made in this Charter or by law for filling the same, the Mayor shall appoint a suitable person to fill said vacancy, who shall hold office for the remainder of the unexpired term.

SEC. 10. Every officer authorized by law or ordinance to allow, audit or certify demands upon the Treasury, or to make any official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

SEC. 11. Every officer who shall approve, allow or pay any demand on the Treasury not authorized by law, ordinance or this Charter, shall be liable to the City and County individually, and on his official bond, for the amount of the demand so illegally approved, allowed or paid.

SEC. 12. All books and records of every Office and Department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from said books and records, duly certified, shall be given by the Officer having the same in custody, to any person demanding the same, and paying or tendering ten cents per folio of one hundred words for such copies or extracts.

SEC. 13. The Treasurer shall keep his office open for business every day, except legal holidays, from nine o'clock in the forenoon until four o'clock in the afternoon. Except where otherwise provided for by law, or this Charter, all other public offices shall be kept open for business every day, except legal holidays, from half-past eight o'clock in the forenoon until five o'clock in the afternoon; and, in addition thereto, from the first day of November until the last Mou-

day of December in each year the Office of the Tax Collector shall be kept open until nine o'clock in the evening.

SEC. 14. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employee receive any salary or compensation for any service of any kind, unless the same is specially provided for by law or this Charter.

SEC. 15. No person shall be eligible to, or hold, any office, or be clerk or deputy in any Office or Department, who, at the time of his election or appointment, has not arrived at majority, and is not a citizen of this State, and a resident of said city and county; or who has been found guilty of malfeasance in office, bribery, or other infamous crime; or who in any capacity has embezzled public funds.

SEC. 16. The several Boards, Officers and other heads of Departments shall annually, on or before the first Monday in May, furnish to the Supervisors, and also to the Auditor, a detailed estimate of the amount of money that will be required for the expenditures of their respective Departments during the ensuing fiscal year; and on or before the first day of August in each year, report to the Supervisors the condition of their respective Offices and Departments during the preceding fiscal year, embracing all their operations, receipts and expenditures. Immediately thereafter the Supervisors shall prepare and publish an abstract from said reports, and other sources, of the operations, receipts and expenditures, and condition of all Offices and Departments.

SEC. 17. All moneys, assessments and taxes belonging to, or collected for the use of the City and County, coming into the hands of any Officer of said City and County, shall immediately be deposited with the Treasurer for the benefit of the Funds to which they respectively belong. If such Officer for twenty-four hours after receiving the same shall delay or neglect to make such deposit, he shall be deemed guilty of misconduct in office and may be removed.

SEC. 18. When any Officer, Board or Department provided for in this Charter shall require additional deputies, clerks or employees, application shall be made to the Mayor therefor, and upon such application it shall be the duty of the Mayor to make investigation as to the necessity for such additional assistance; and if he find the same necessary he may recommend to the Supervisors to authorize the appointment of such additional deputies, clerks or employees; and thereupon the Supervisors, by an affirmative vote of not less than nine members of each Board, may authorize such appointments, and provide for the compensation of such appointees, subject to the limitations contained in this Charter.

SEC. 19. When the Supervisors shall determine that

the public interest requires the construction or acquisition of any permanent municipal building, work, property or improvement, the cost of which in addition to the other expenditures of said City and County will exceed the income and revenue provided for said City and County, in any one year, they may, by ordinance, passed by the affirmative vote of not less than nine members of each Board, submit a proposition to incur a debt for such purpose, to the qualified electors of said City and County at a special election, to be held for that purpose only; such proposition shall specify the amount of the proposed indebtedness, the rate of interest and the specific purpose for which it is to be incurred. Such election shall be called and conducted in the same manner and under the same regulations as other elections. Should such proposition be assented to by two-thirds of the qualified electors voting at such election, the Supervisors may incur such indebtedness by issuing the bonds of said City and County to an amount not to exceed the sum named in said proposition; and before the time of incurring such indebtedness, must make provision for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a Sinking Fund for the payment of the principal thereof within twenty years from the time of contracting the same. Such bonds shall not bear over four per centum interest per annum, and must be payable in not more than twenty years and shall not be sold for less than par. Said bonds must be under the seal of the City and County and signed by the Mayor, Auditor and Treasurer, and after having been so signed and sealed must be delivered to the Treasurer to be held by him in the Treasury until disposed of. All such bonds shall be sold by the Mayor, Auditor and Treasurer, for cash, to the highest bidder, after advertising for sealed proposals therefor in accordance with such regulations as may be provided in the ordinance authorizing the issue of said bonds. The money so raised shall be paid into the Treasury and there kept as a Special Fund, to be drawn and used only for the special purpose for which the indebtedness was incurred.

SEC. 20. No privilege shall be granted that suspends or violates any ordinance, except by an ordinance passed by the affirmative vote of not less than nine members of each Board of the Supervisors.

SEC. 21. Any elected officer, except Supervisors, may be suspended by the Mayor and removed by the Board of Aldermen for cause; and any appointed officer may be removed by the Mayor for cause. In either case the Mayor shall appoint some person to discharge the duties of the office during the period of such suspension. On the question of removal, the cause, and the ayes and noes, shall be entered on the records of the Board of Aldermen.

SEC. 22. When the Mayor shall suspend any elected officer, he shall immediately notify the Board of Aldermen of such suspension and the cause therefor. If the Board of Aldermen is not in session, he shall immediately call a session of the same in such manner as shall be provided by ordinance. The Mayor shall present written charges against such suspended officer to the Board of Aldermen, and furnish a copy of the same to said officer, who shall have the right to appear with counsel before the Board of Aldermen in his defense. If by an affirmative vote of not less than eight Aldermen, taken by ayes and noes and entered on its record, the action of the Mayor is approved, then the suspended officer shall thereby be removed from office; but if the action of the Mayor is not so approved, such suspended officer shall be immediately reinstated.

SEC. 23. When the Mayor shall remove an appointed officer from office, he shall immediately notify the Board of Aldermen of such removal, and furnish it a statement of the cause thereof, which statement shall be entered in the record of its proceedings. The Mayor shall, with the advice and consent of the Board of Aldermen, appoint the successor of the officer so removed. If the Mayor fail or refuse for thirty days to make the appointment as above provided or to make a new appointment if the one made has been rejected by the Board of Aldermen, then the Board of Aldermen may elect a suitable person to fill the office for the unexpired term.

SEC. 24. Unless otherwise provided by law or this Charter, any Officer, Board or Department authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove any person so appointed.

SEC. 25. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, Board or Officer making the same. One of said duplicates must be filed with the Clerk of the Supervisors and the other with the Auditor.

SEC. 26. Wherever it is provided in this Charter that the members of any Board, Department or Commission shall so classify themselves by lot that their terms of office shall expire at different times, such members shall, on the day of making such classification, cause the same to be entered in the records of their proceedings, and a copy thereof, certified by the Secretary thereof and signed by all of said members, shall be filed with the Clerk of the Supervisors.

SEC. 27. The Supervisors are authorized to appropriate annually a sum not exceeding one hundred and fifty thousand dollars for the purpose of managing and improving the public grounds which are under the management and control of the Board of Park Commissioners.

SEC. 28. All franchises and privileges heretofore granted by said City and County, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees or their assigns shall within one year after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

SEC. 29. All ordinances or resolutions for the improvement of any street, for which no contract shall have been entered into at the time this Charter goes into effect, are hereby repealed.

SEC. 30. All Officers of the City and County of San Francisco in office when this Charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions and obligations of this Charter, until the election or appointment and qualification of the successors of said officers provided for in this Charter.

SEC. 31. The Park Commissioners of the City and County of San Francisco, the City and County Surveyor, the Attorney and Counselor, the Registrar of Voters, the Board of Election Commissioners, the Board of Health, the Police Commissioners, the Superintendent of Public Streets, Highways and Squares, the Board of New City Hall Commissioners, the Superintendent of the House of Correction, the Superintendent of the Industrial School, and the Fire Commissioners, shall each turn over and deliver to their respective successors designated in this Charter of the City and County of San Francisco, all papers, books, documents, records and archives in their possession or under their control respectively, or belonging to their respective Offices or Departments; and the respective Officers or Boards to whom the same shall be delivered, must give therefor two duplicate certificates, one of which shall be immediately filed in the office of the Auditor.

SEC. 32. Until the Supervisors shall by ordinance establish the number of deputies, clerks and employees to be employed in the service of the city and county in the various Offices and Departments thereof, the said Officers and Departments, respectively, may appoint and employ the same number of deputies, clerks, assistants and employees as were authorized to be employed in the service of said City and County at the time this Charter takes effect.

SEC. 33. All ordinances, orders and resolutions of the City and County of San Francisco in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

## SCHEDULE.

SECTION 1. This Charter shall be published for twenty days in the "Daily Examiner," and in the "Daily Report," two daily papers of general circulation in the City and County of San Francisco, and after such publication, viz: on Tuesday, the twelfth day of April, A. D. 1887, it shall be submitted to the qualified electors of said City and County of San Francisco, at a special election which shall be held on that day, for the purpose of voting upon the adoption of the same; and if a majority of the qualified electors of said City and County voting at said election shall ratify the same it shall be submitted to the Legislature of the State of California for its approval or rejection. If the Legislature shall approve the same, it shall take effect and be in force on and after the first Monday after the first day of January, A. D. 1891; *provided*, that if such approval be made prior to the first day of January, A. D. 1888, it shall take effect and be in force on and after the first Monday after the first day of January, A. D. 1889; and shall thereupon become the Charter and organic law of the City and County of San Francisco, and shall supercede the existing Charter of said City and County, and all amendments thereof, and all special laws inconsistent with this Charter. The form of ballots at said election shall be:

"For the New Charter,"

O R

"Against the New Charter."

For the sole purpose of the election of the Officers directed in this Charter to be elected by the people, the said Charter shall take effect immediately after its approval by the Legislature, and the election of such officers shall be managed, conducted and controlled by the Board of Election Commissioners in and for said City and County in office at the time of such election, and shall be in all respects conducted in accordance with the then existing laws in relation to elections in said City and County.

At the first election to be held for municipal officers provided under this Charter, and at each succeeding general election, there shall be elected the Mayor, twelve members of the Board of Delegates, and five Justices of the Peace; and at said first election, and at the general election in every fourth year thereafter, there shall be elected an Auditor, Treasurer, Tax Collector, Recorder, District Attorney, County Clerk, Sheriff, Coroner and Public Administrator, who shall respectively hold their offices for four years. The Assessor and Superintendent of Schools shall be chosen at the election preceding the expiration of the term of office of the present incumbents of those offices.

BE IT KNOWN, That the City and County of San Francisco, containing a population of more than two hundred thousand inhabitants, on the second day of November, A. D. 1886, at a general election, and under and in accordance with the provisions of Section 8, of Article XI, of the Constitution of this State, did elect the undersigned a Board of Fifteen Freeholders, to prepare and propose a Charter for said City and County; and we, the members of said Board, in pursuance of such provisions of the Constitution, and within a period of ninety days after such election, have prepared and do propose the foregoing, signed in duplicate, as and for the Charter for said City and County of San Francisco.

IN WITNESS WHEREOF, we have hereunto set our hands in duplicate, this thirty-first day of January, in the year one thousand eight hundred and eighty-seven.

RALPH C. HARRISON, PRESIDENT,  
 RUSSELL J. WILSON, VICE-PRESIDENT,  
 A. G. BOOTH,  
 J. GREENEBAUM,  
 A. S. HALLIDIE,  
 GEORGE R. B. HAYES,  
 CHARLES HOLBROOK,  
 A. H. LOUGHBOROUGH,  
 D. A. MACDONALD,  
 THOMAS MAGEE,  
 JOHN McKEE,  
 D. C. McRUER,  
 GEO. T. MARYE,  
 S. G. MURPHY,  
 EDWARD R. TAYLOR.

Attest: A. E. T. WORLEY. Secretary,



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